

PAUL BARRIER
1001 EIGHTH STREET
NOVATO, CALIFORNIA 94945
TELEPHONE: (415) 898-1941
WEBSITE: Home.earthlink.net/~paulskids2005
EMAIL: paulskids2@yahoo.com

PLAINTIFF In the

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL BARRIER,

PLAINTIFF,

v.

MICHELLE PRINCE, TOM BROWN,
EDWARD BERBERIAN, NICOLE
PANTALEO, PAUL HAAKENSEN, NICK
CONRAD, RICK BOEHM, DANIEL JENNER,
STEPHANIE COMMISTO, BRETT BARTLETT,
acting in their official capacity, as State, city or
county employees acting by way of State of
California law,

DEFENDANTS

RECEIVED
JUL 12 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

#1
fS

JSW

CV 11

2818

MISC

EDL

) COMPLAINT OF TITLE
) 42 UNITED STATES
) CODE SECTION 1983
) VIOLATION, TITLE
) 18 UNITED STATES
) CODE SECTION
) 242 VIOLATION

COMPLAINT OF A TITLE 42 UNITED STATES CODE SECTION 1983
VIOLATION, AND TITLE 18 UNITED STATES CODE SECTION 242
VIOLATION

Q442

EVENTS AND FACTS OF COMPLAINT

On July 28th 2008, I, Paul Barrier the plaintiff was arrested by members of the City of Novato California police department, defendants; Nick Conrad, Rick Boehm, Daniel Jenner, Stephanie Commisto, Brett Bartlett, on alleged violations of California laws, despite my (the plaintiff) explanation to them that all of my actions were legal.

These defendants alleged, I PAUL BARRIER, violated California Penal Code sections; 417 two counts, 422 two counts, 12020(a)(1) two counts, and, Health and Safety Code 11358.

I was held in jail for thirteen days (13) with a bail of (\$500,000) five hundred thousand dollars, until released on own recognizance on August 13th 2008.

On August 15th 2008, August 21st 2008, and August 26th 2008, I wrote letters to defendants Michelle Prince, Tom Brown, and Edward Berberian, explaining that their use of State law, State delegated authority to deprive me of a Constitutional right was a violation of federal law, under title 18 United States Code Section 242, a federal crime, and under title 42 United States Code 1983, a violation of the civil rights act, whereupon civil liability could be imposed upon them.

Despite these defendants Michelle Prince, Tom Brown, and Edward Berberian, having law degrees, and knowing full well that their actions were against federal law, they willfully continued to ignore the letters and continued to use State law to prosecute me for exercising my Constitutional right to keep and bear Arms.

They also used case law to support their intentional deprivation of my Constitutional right to keep and bear Arms. It is customary to use case law to violate United States Code, title 18 section 242 and, title 42 section 1983.

On August 15th 2008 a preliminary hearing was held and (3) three of the charges defendants Michelle Prince, and Edward Berberian had charged me with were dismissed by defendant Paul Haakenson, for lack of evidence to support the charges. Thereafter defendant Nicole Pantaleo joined in the prosecution, with defendant Edward Berberian. Defendants Tom Brown and Michelle Prince were dismissed from the prosecution.

On January 20th 2009, defendants, Edward Berberian, and Nicole Pantaleo, acting in their official capacity pursuant to State delegated authority offered me a “deal” to drop (3) three of the (4) four remaining charges if I Paul Barrier the plaintiff pleaded guilty to possession of a short barrel shotgun. I did not accept the deal, and a jury acquitted me of the (3) three charges defendants Edward Berberian, and Nicole Pantaleo, offered to dismiss.

I represented myself during most of the proceedings, including the jury trial.

I would have prevailed on the possession of a short barrel shotgun charge had defendant Paul Haakenson, acting in his official capacity pursuant to State delegated authority, not deprived me of the equal protection of the law. He would not allow the jury to hear testimony or evidence about how the United States government works. Defendant Haakenson has a law degree, and attended the University of California Davis, and acted with malice to intentionally violate federal law, title 18 United States Code 242, and United States Code title 42 Section 1983.

He (defendant Haakenson) was informed that a federal crime was being committed by using State law, custom, usage of case law from other courts, to subject me to the deprivation of a Constitutional right I, Paul Barrier, the plaintiff have as an American citizen. His actions were intentional because of his position and his law degree, and this is true for the rest of the defendants with a law degree.

All of the defendants took an oath to defend the Constitution, it was a job requirement, a condition of employment.

All of the defendants with law degrees understand they conspired to use case law, State law, regulations, custom, usage of case law, to deprive me of the equal protection of the law, my Constitutional right to keep and bear Arms. They engaged in a conspiracy to infringe upon my Constitutional right to keep and bear Arms. A conspiracy to violate federal law, because they were informed that their actions were in violation of federal law.

x This is why I, Paul Barrier the plaintiff, have filed a federal civil rights suit in federal court to enforce the laws the United States Congress created and the President of the United States signed into law.

Defendant Haakenson is currently attempting to violate my Constitutional right to freedom of speech, by seeking a psychiatric acknowledgement that I need to take psychiatric medication as a result of my beliefs, opinions, as stated on my website. He has not been able to find a psychiatrist willing to assist him.

My website exposes the Bohemian Grove. There is video of the annual (July) celebration of a human sacrifice, the ceremony uses an effigy of a child. The video is on my website. (Yahoo – Paulskids2005). My website can be found on the Internet at <http://home.earthlink.net/~paulskids2005>.

x I understand and realize that every federal judge in the nation has been appointed by a member or deceased member of the Bohemian Grove. My website explains this.

All of the defendants with law degrees understand this, and believe they are immune from these federal civil rights laws, title 18 United States Code 242 and title 42 Section 1983, because no federal judge would enforce these federal laws, certainly not the criminal one.

NONE of the defendants are immune from these laws the United States Congress and the President of the United States made into federal law. I've already conducted one jury trial and could do another. The case could also be settled procedurally.

NONE of the well educated, law degreed defendants, believe title 18 United States Code Section 242 or title 42 Section 1983, laws passed by the United States Congress and the President of the United States apply to them. All of them believe this court will assist them by dismissing this action with case law.

BECAUSE the defendants with law degrees, Nicole Pantaleo, Edward Berberian, Tom Brown, Michelle Prince, and Paul Haakenson, learned in law school that the Constitution of the United States is the supreme law of the Land,

AND,

BECAUSE they continued to ignore the letters I wrote to them, explaining the illegality of their actions and desire to continue to prosecute me for exercising my Constitutional *right* to keep and bear Arms, it is clear they acted with disregard for these federal laws, acting with malice and intentional malice. They have law degrees and understand what they did. They used case law from other courts, State statutes, ordinance, procedures, habits, and usage to intentionally infringe and so far subject me (the plaintiff) to the deprivation of the enjoyment of the Constitution. The amendments are part of the Constitution.

This federal complaint and civil suit is now filed in a federal court by way of the laws the United States Congress and the President of the United States created to recover damages and relief from State action which resulted in the personal injury of State action that violates, infringes upon, deprives an American citizen of any Constitutional rights American citizens have.

This complaint alleges in the United States District Court, Northern District of California, that the defendants subjected me to deprivation of Constitutional rights. Rights I have as an American Citizen, rights provided by the United States

Government, as a result of being born in one of the Original United States of America. The specific Constitutional rights violated are known as Constitutional Amendment II and Constitutional Amendment XIV.

Constitutional Amendment II was violated when the defendants sought to punish me for having an Arm (a shotgun) in my home. The defendants arrested me and charged me with a violation of a State law, which infringes upon the second amendment of the Constitution and the fourteenth amendment of the Constitution,

WHERE,

California penal code 12020(a)(1) creates a felony for having a shotgun with a barrel less than eighteen (18) inches, this infringes upon the Constitutional right to keep and bear Arms,

AND WHERE,

California penal code 12020(b)(1) provides immunity to police officers from the crime of possession of this same weapon, if possession is while on duty, and can thereby be used to protect the police officers life or the life of another person, this infringes upon the Constitutional right of equal protection of the law, because American citizens have a Constitutional right to keep and bear Arms.

The California Constitution declares in Article 3. Section 1, "The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land." [California Constitution. Article 3. Sec.1]

ALL of the defendants acted with malice to intentionally deprive me of the enjoyment of the Constitution of the United States, and are hereby liable to me in a court of law, pursuant to federal law, title 18 United States Code Section 242, and title 42 Section 1983.

COURT IS MOVED TO AUTHORIZE RELIEF FROM INJURY

THIS COMPLAINT IS BASED on the LAW the United States Congress created to protect American citizens from deprivation of Constitutional rights by use of State law. The United Sates Congress created title 18 Section 242 in the United States Code to prevent State employees from using State laws to deprive American citizens of rights the Constitution of the United States provides to American citizens. Title 18 Section 242 in the United States Code created a felony for State action that deprives citizens of any Constitutional right. Title 42 Section 1983 establishes liability in a court of law, upon State employees who use State law to subject American citizens to deprivation of any rights the Constitution of the United States provides to American citizens.

The United States of America was founded in the eighteenth century by the signing of the declaration of independence by a group of men who were immigrants from Europe. Originally there were thirteen (13) individual groups of people living in various places on the East Coast of North America. At the time many Europeans called North America the New World.

The European immigrants who move to (what is now called) the United States, were able to take away large portions of land from the people who were living there by way of having superior technology. One part of that technology was a gun, or rifle, or cannon.

The European invasion (which began in the (16th) sixteenth century) resulted in 1776 of the signing of a mutual agreement amongst the two million (2,000,000) or so Europeans living in North America. They agreed to unite to defend the land where they were living and assist one-another to fight off attack from another European country, or attack from the people who were living there before they arrived. They also agreed to take the steps needed to become a recognized country in the world as it existed at the time.

There were many people who participated in this agreement, but only a small group signed the document we call the Constitution. The document applied to all of the European immigrants living on East Coast at the time of the signing of the document, and thereafter to all people born in the United States. A copy of the document, the Constitution, is attached to this complain.

The Preamble of the Constitution of these United States says; “We the People of the United States,” this meant everyone. All of the European immigrants living in New Hampshire, Massachusetts, Rhode Island, Providence Plantation, Connecticut, Maryland, North Carolina, Virginia, New Jersey, Delaware, New York, Massachusetts, Pennsylvania, South Carolina, Georgia.

Article I Section [2] of the Constitution, explains that each State shall be entitled to one Representative in the United States Congress for every (30,000) thirty thousand people living in that State. Massachusetts began with (8) eight Representatives, signifying a population of over (240,000) two hundred and forty thousand, all of which agreed to accept the document we call the Constitution. Pennsylvania began with (8) eight Representatives, while Virginia began with (10) ten. Adding the rest of the Representatives for the other States, there were about (2,000,000) two million people who agreed to accept the Constitution as the document they would use to formulate the new nation.

This document called the Constitution explained how the government of this new nation called “United States” would operate. This document provided for amendments or additions to the original document providing certain conditions were met. Article V in the United States Constitution explains this.

Article I Section 7 [2] explains how the government of this new country will make its laws.

Article I Section 8. [1] explains the things the government will continually do.

Article II Section 3. explains some of the things the President must do.

Article VI [2] explains that the Constitution will be the supreme Law of the land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Article VII explains that the Constitution was an agreement amongst the States.

All of the States accepted the Constitution, and every State that joined the Original States, also accept the Constitution as the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or laws of any State to the Contrary notwithstanding. Article VI [2].

The State of California joined the United States in 1850, and accepted the conditions of Statehood. This acceptance is declared in the State of California Constitution, Article 3 Section 1.

The United States Congress realized that States could create laws which infringed, deprived, violated American citizens Constitutional rights, so the Congress decide to create (2) two laws which a citizen could use in a federal court to acquire redress or relieve from another citizen, or a group of citizens who used State law, customs, practices, authority by way of their employment, to subject them to deprivation of any rights the Constitution of the United States provides to it's citizens.

Title 18 United States Code

Section 242

§ 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than a year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts

committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Title 42 United States Code

Section 1983

§ 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Defendants Nicole Pantaleo, Edward Berberian, Tom Brown, Michelle Prince, and Paul Haakenson, willfully relied on State laws and case law from other courts, including the United States Supreme Court, to subject me (the plaintiff) to the deprivation of my Constitutional right to keep and bear Arms, in violation of federal law which prohibits people from using *any statute, ordinance, regulation, or custom*, to subject any citizen to the deprivation of any rights secured by the Constitution. 42 U.S.C. § 1983, and 18 U.S.C. § 242.

These law degreed defendants, Nicole Pantaleo, Edward Berberian, Tom Brown, Michelle Prince, and Paul Haakenson, all graduated law school and understand their actions were illegal under federal law. BUT because there is a *custom* of using State laws, ordinances, regulations, and case law, to subject citizens to Constitutional rights deprivations, these defendants believe they are immune from liability. Federal courts rarely enforce title 18 Section 242, and title 42 Section 1983 of the United States Code. The defendants are aware of this, and this is why the defendants acted with malice, willfully.

The law degreed defendants acted with disregard for my Constitutional rights, and disregard for federal laws prohibiting the use of State law, custom, usage of case law to subject a citizen to the deprivation of a Constitutional right.

The rulings of the U.S. Supreme Court regarding the second amendment of the Constitution support the relief Title 42 United States Code Section 1983 provides. The U.S. Supreme Court recently stated the second amendment provides an individuals right to keep and bear Arms in the home for self-defense. The case received a lot of media attention and is known as the *Heller* case. The shotgun taken from me was taken from inside my home. I was arrested outside my home. I purchased it for self-defense within the home.

BUT this complaint is not based on the rulings of the U.S. Supreme Court, or any other court. IT is based on the Constitution of the United States. The organic and fundamental law of this Nation, establishing the character and conception of the government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers. The written instrument agreed upon by the people of the Union as absolute rule of action and decision for all departments, branches and officers of the government.

The United States Constitution clearly states; "the right of the people to keep and bear Arms, shall not be infringed." All defendants in this complaint subjected me to deprivation of this Constitutional right.

They all used State law, ordinance, regulation, custom, usage, and usage of case law, to intentionally subject me to the deprivation of my Constitutional right to keep and bear Arms. Their actions individually and together violate federal law prohibiting the use of State law, ordinance, regulation, custom, usage, to deprive a citizen of any Constitutional rights.

THIS COURT IS HEREBY NOW MOVED AND ORDERED TO, overturn, or annul, or vacate, or set aside, or reverse, or revoke, or make void, or undo, the jury finding of guilty of possession of a short barrel shotgun, on the ground that possession is a Constitutional right, and, I, Paul Barrier, the plaintiff was subjected to a violation of United States Code Title 42 Section 1983, upon which this court may grant such relief. The court is also moved and hereby orders all of the property named herein as follows; the rifle, billy club, shotgun ammunition, 7.62x39 ammunition, 7.62x54 ammunition, GNC canvas bag and toy pistol, be immediately returned to the plaintiff. Court will set hearing dates for future proceedings regarding real and punitive damages on the complaint of a federal law violation of United States Code Title 18 Section 242, and Title 42 Section 1983.

PERHAPS California has a policy of subjecting their residents to Constitutional right deprivations. I, Paul Barrier, the plaintiff do not come from California. I was born in New Jersey. I am a New Jersey resident. I am only visiting California, and as a New Jersey citizen, I have Constitutional rights. New Jersey is one of the States that began the Nation known as, the United States of America. New Jersey residents participated in the writing of the Declaration of Independence, and the Constitution, and we consider our Constitutional rights as fundamental. The original Barriers left Northern France for the New World in the (16th) sixteenth century and acquired land in North Carolina, owing slaves.

Toady's date 7/15/09

Paul Barrier, PLAINTIFF

Paul Barrier, plaintiff.

//

//

//

//

//

//

//

Incident Report

NOVATO POLICE DEPARTMENT

08-4659

0001

Reported Date
07/28/2008
Nature of Call
THREATS
Officer
COMMISTO, STEPHANIE

909 MACHIN AVENUE
NOVATO, CA 94945-3602

Phone
(415) 897-4361
Fax
(415) 898-5344



Administrative Information

Agency NOVATO POLICE DEPARTMENT	Case Number 08-4659	Supplement No 0001	Reported Date 07/28/2008	Reported Time 23:25	CAD Event L08113892
Status Report to follow	Nature of Call Threats	Location 1001 EIGHTH ST #5			
City Novato	ZIP Code 94945	Rep Dist NP1D/	Area NP	Beat NP1	From Date 07/28/2008
Officer NP348/COMMISTO, STEPHANIE	Assignment Police Officer	2nd Officer FREY, NICHOLAS			
Assignment Police Officer	Entered by NP348	Assignment Police Officer	RMS Transfer Successful	Prop Trans Stat Successful	
Approving Officer NP184	Approval Date 07/29/2008	Approval Time 06:40:56			

Summary Narrative

Supplemental report.

Property

Item	Involvement	Item In Custody?	Tag No	Item No	Serial No	Value
1	Evidence	Yes	080004595	3	PT111	\$1.00
Description Black, replica Taurus semi-automatic pistol						Typ A
Cat Other/Misc/Cell Phones		Article AIR GUN/PELLET GUN/BB GUN		Brand TAURUS	Model MILLENIUM	# Pieces 1
Recov Location 1001 EIGHTH ST #1				Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1						
2	Evidence	Yes	080004595	4		\$1.00
Description 1 4" knife and 1 4" hatchet, Smith & Wesson w/shear						Typ A
Cat Other/Misc/Cell Phones		Article KNIFE	Brand SMITHA	Model BULLSEYE	# Pieces 2	
Recov Location 1001 EIGHTH ST #1				Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1						
3	Evidence	Yes	080004595	8		\$1.00
Description 12 gauge rem slug located in front shirt pocket						Typ A
Cat Other/Misc/Cell Phones		Article AMMUNI	Brand REMING	Model REMING	# Pieces 1	
Recov Location 1001 EIGHTH ST #1				Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1						
4	Evidence	Yes	080004595	9		\$1.00
Description 12 gauge Remington slug shotgun shell, loc in gun						Typ A
Cat Other/Misc/Cell Phones		Article AMMUN	Brand REMING	Model REMING	# Pieces 1	
Recov Location 1001 EIGHTH ST #1				Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1						

Report Officer
NP348/COMMISTO, STEPHANIE

Printed At
07/29/2008 08:55

Page 1 of 6

Incident Report

NOVATO POLICE DEPARTMENT

08-4659

0001

Item 5	Involvement Evidence	Item In Custody? Yes	Tag No 080004595	Item No 10	Value \$1.00
Description Red GNC grocery style sack with handles					Typ A
Cat Other/Misc/Cell Phones		Article Other	Brand GNC	# Pieces 1	
Recov Location 1001 EIGHTH ST #1			Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1					
Item 6	Involvement Evidence	Item In Custody? Yes	Tag No 080004595	Item No 11	Value \$1.00
Description 18 inch metal stake, rusted					Typ A
Cat Other/Misc/Cell Phones		Article Other	Brand UNK	# Pieces 1	
Recov Location 1001 EIGHTH ST #1			Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1					
Item 7	Involvement Evidence	Item In Custody? Yes	Tag No 080004595	Item No 14	
Description CD containing digital photos of scene and evidence					Typ A
Cat Other/Misc/Cell Phones		Article Other	# Pieces 1		
Recov Location 1001 EIGHTH ST #1			Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1					
Item 8	Involvement Evidence	Item In Custody? Yes	Tag No 080004595	Item No 15	
Description Signed infield admonition					Typ A
Cat Other/Misc/Cell Phones		Article Other	# Pieces 1		
Recov Location 1001 EIGHTH ST #1			Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1					
Item 9	Involvement Evidence	Item In Custody? Yes	Tag No 080004595	Item No 1	
Description 154 immature marijuana plants					Typ D
Quantity 154.000		Measure Number of plants	# Pieces 154		
Recov Location 1001 EIGHTH ST #1			Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1					
Item 10	Involvement Evidence	Item In Custody? Yes	Tag No 080004595	Item No 2	Serial No S12-SP035315
Description 9" Rossi Single Shot Sawed off shotgun (29 1/4")					Value \$1.00
Make Amadeo Rossi & Co./Garcia-Rossi/Overland			Model SHOTGUN	Type/Cat Shotgun, Single-shot	
Caliber 12.5MM machine gun round or 12 gauge S/G		Finish Black	Barrel Length 9.5 Inch	# Pieces 1	
Recov Location 1001 EIGHTH ST #1			Recov City Novato	Recov St California	Rep Dist NP1D/
Beat NP1					

Report Officer

NP348/COMMISTO, STEPHANIE

Printed At

07/29/2008 08:55

Page 2 of 6

Incident Report
NOVATO POLICE DEPARTMENT

00-4000

Item	Involvement	Item In Custody?	Tag No	Item No	Serial No	Value
11	Evidence	Yes	080004595	12	M30738	\$1.00
Description						Typ
Mosin Nagant 7.62mm semi-automatic rifle						F
Make						Mosin-Nagant
Model	Type/Cat	Caliber	Finish	Barrel Length	# Pieces	
RIFLE	Rifle, bolt-action	762MM	Brown	22 Inch	1	
Recov Location			Recov City		Recov St	Rep Dist
1001 EIGHTH ST #1			Novato		California	NP1D/
Beat						
NP1						

Item	Involvement	Item In Custody?	Tag No	Item No	Value	
12	Safekeeping	Yes	080004595	13	\$1.00	
Description						Typ
black rifle case with latch						A
Cat			Article			Brand
Other/Misc/Cell Phones			CARRYING CASE: CAMERA/BRIEF/COMPUTER/MUSIC			DOSKOS
# Pieces	Recov Location		Recov City		Recov St	
1	1001 EIGHTH ST #1		Novato		California	
Rep Dist		Beat				
NP1D/		NP1				

Item	Involvement	Item In Custody?	Tag No	Item No	Value	
13	Safekeeping	Yes	080004595	5	\$1.00	
Description						Typ
7.62 mm ammunition, Wolf and Misc brands X 639						A
Cat			Article		Brand	# Pieces
Other/Misc/Cell Phones			BULLETS - AMMUNITION		WOLF	639
Recov Location			Recov City		Recov St	Rep Dist
1001 EIGHTH ST #1			Novato		California	NP1D/
Beat						
NP1						

Item	Involvement	Item In Custody?	Tag No	Item No	Value	
14	Safekeeping	Yes	080004595	6	\$1.00	
Description						Typ
12 gauge shotgun shells, 7 1/2						A
Cat			Article		Brand	Model
Other/Misc/Cell Phones			BULLETS - AMMUNITION		FIOCCH	SHOTGUN
# Pieces	Recov Location		Recov City		Recov St	Rep Dist
25	1001 EIGHTH ST #1		Novato		California	NP1D/
Beat						
NP1						

Item	Involvement	Item In Custody?	Tag No	Item No	Value	
15	Safekeeping	Yes	080004595	7	\$1.00	
Description						Typ
12 gauge remington slug shotgun shells						A
Cat			Article		Brand	Model
Other/Misc/Cell Phones			AMMUN		REMING	REMING
# Pieces	Recov Location		Recov City		Recov St	Rep Dist
3	1001 EIGHTH ST #1		Novato		California	NP1D/
Beat						
NP1						

Item	Involvement	Item In Custody?	Tag No	Item No	Value	
16	Safekeeping	Yes	080004595	16	\$1.00	
Description						Typ
orange tupperware bowl						A
Cat			Article		Brand	# Pieces
Other/Misc/Cell Phones			BOWL, SILVER/CHINA		TUPPER	1
Recov Location			Recov City		Recov St	Rep Dist
1001 EIGHTH ST #1			Novato		California	NP1D/
Beat						
NP1						

Narrative

Introduction:

On 07/28/2008 at 2326 hrs, I was dispatched to 1001 8th Street #5 regarding a subject who brandished a shotgun. As I was responding to the scene, NPD dispatched advised via radio that the suspect was possibly in front of apartment #5 attempting to speak to the victim. NPD also advised that the suspects name was Paul

Incident Report NOVATO POLICE DEPARTMENT

08-4659

Supplement No
0005

909 MACHIN AVENUE
NOVATO, CA 94945-3602

Phone
(415) 897-4361
Fax
(415) 898-5344

Reported Date
07/29/2008
Nature of Call
THREATS
Officer
CONRAD, NICK

Administrative Information

Agency NOVATO POLICE DEPARTMENT	Case Number 08-4659	Supplement No 0005	Reported Date 07/29/2008	Reported Time 14:05	CAD Event L08113892
Status Report to follow	Nature of Call Threats	Location 1001 EIGHTH ST #1			
City Novato	ZIP Code 94945	Rep Dist NP1D/	Area NP	Beat NP1	From Date 07/28/2008
Officer NP326/CONRAD, NICK	Assignment Police Officer	From Time 23:25	2nd Officer DUNBAR, BLAKE	Entered by NP326	
Assignment Police Officer	RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer NP254	Approval Date 07/30/2008	
Approval Time 14:24:14					

Summary Narrative

Supplemental

Property

Item 1	Involvement Evidence	Item In Custody? Yes	Tag No 080004608	Item No 1
Description Copy of Bail Enh. Declaration and Order				Typ A
Cat Other/Misc/Cell Phones	Article Other	# Pieces 1		

Modus Operandi

Crime Code(s)
All others

Narrative

On 07/29/08, at about 0800 hrs, I reviewed the case and prepared a Bail Enhancement Declaration. Ofc. Boehm had previously requested a Bail Enhancement over the phone, which was granted by Judge Haakenson raising the bail from \$50,000.00 to \$500,000.00. After completion of the Declaration, I reviewed it with Deputy DA Linda Witong. After approval from Deputy DA Linda Witong, I transported the Declaration to Judge Haakenson, where I signed it in his presence. After reviewing the Declaration, Judge Haakenson signed the Order for the Bail Enhancement.

The original Declaration and Order were filed with the Marin County DA's Office. A copy of the Order was dropped off at the Marin County Jail. A copy of the Declaration and the order has been booked into NPD Evidence as well as a copy has been attached to this report.

Nothing further at this time.

Report Officer
NP326/CONRAD, NICK

Printed At
08/01/2008 08:12

Page 1 of 1

Incident Report

NOVATO POLICE DEPARTMENT

08-4659

0003



909 MACHIN AVENUE
NOVATO, CA 94945-3602

Phone
(415) 897-4361
Fax
(415) 898-5344

Reported Date
07/29/2008
Nature of Call
MISC PC
Officer
BOEHM, RICK

Administrative Information

Agency NOVATO POLICE DEPARTMENT		Case Number 08-4659	Supplement No 0003	Reported Date 07/29/2008	Reported Time 04:52	CAD Event L08113892
Status Report to follow		Nature of Call Penal Code Violation				
Location 1001 8TH ST #1				City Novato	ZIP Code 94945	Rep Dist NP1D/
Area NP	Beat NP1	From Date 07/28/2008	From Time 23:25	Officer NP311/BOEHM, RICK		
Assignment Police Officer		2nd Officer DUNBAR, BLAKE	Entered by NP311	Assignment Police Officer	RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer NP184		Approval Date 07/29/2008		Approval Time 08:10:52		

Summary Narrative

Supplement completed.

Narrative

On 07-28-2008, at about 2328 hours, I assisted Officer Bartlett with his investigation of a criminal threats incident at 1001 Eighth Street, apartment #1.

At approximately 0024 hours, Officer Bartlett placed S-Barrier under arrest for PC 422-Criminal Threats. Officer Bartlett placed S-Barrier in the back seat of patrol unit #15. At approximately 0030 hours, I observed S-Barrier requesting I talk with him. I opened the rear door to unit #15. S-Barrier stated he would consent to NPD Officers searching his residence. S-Barrier initially refused a request to search his residence during the initial investigation. Officer Bartlett had S-Barrier sign the NPD consent to search form.

At approximately 0050 hours, I assisted Officer Bartlett in his search of 1001 Eighth Street, apartment #1. While assisting with the search, I located a sawed off nine inch single barrel shotgun under the couch, in the living room of the residence.

At approximately 0330 hours, I transported S-Barrier to MCJ where he was booked for the listed charges.

While at MCJ, I completed a Marin County Court bail enhancement form. At approximately 0405 hours, I contacted Judge Haakenson via telephone and advised him of the incident. Judge Haakenson granted a bail enhancement in the amount of \$500,000. The copies of the enhancement were provided to Marin County jail staff.

Report Officer NP311/BOEHM, RICK	Printed At 07/29/2008 08:55	Page 1 of 1
--	---------------------------------------	-------------

Incident Report

NOVATO POLICE DEPARTMENT

08-4659

Supplement No
0002

909 MACHIN AVENUE
NOVATO, CA 94945-3602

Phone
(415) 897-4361
Fax
(415) 898-5344

Reported Date
07/28/2008
Nature of Call
THREATS
Officer
JENNER, DANIEL

Administrative Information

Agency NOVATO POLICE DEPARTMENT	Case Number 08-4659	Supplement No 0002	Reported Date 07/28/2008	Reported Time 23:25	CAD Event L08113892
Status Report to follow	Nature of Call Threats	Location 1001 EIGHTH ST #1			
City Novato	ZIP Code 94945	Rep Dist NP1D/	Area NP	Beat NP1	From Date 07/28/2008
Officer NP328/JENNER, DANIEL	Assignment Police Officer			From Time 23:25	2nd Officer FREY, NICHOLAS
Assignment Police Officer	Entered by NP328	Assignment Police Officer	RMS Transfer Successful	Prop Trans Stat Successful	
Approving Officer NP268	Approval Date 07/29/2008	Approval Time 06:11:39			

Summary Narrative

Supplemental report.

Modus Operandi

Crime Code(s)
All others

Narrative

On 7/28/2008, at approximately 2325 hours, I was dispatched to the area of 1001 Eighth St #1 on a report of a subject brandishing a shotgun at a neighbor. NPD dispatch described the suspect as a white male in his 50's, approximately 5'10" with a thin build and greying dark hair. I responded and parked my patrol vehicle on Eighth St facing south, toward the area of 1001 Eighth St. I exited my patrol vehicle and began approaching the area of 1001 Eighth St.

As I approached the apartment complex (I was approximately 100 feet away), I observed a white male subject with a thin build, greying dark hair, wearing a red and black long sleeve shirt, walking northwest on the walkway in front of the apartment complex (away from apartment #1). As I continued to approach the apartment complex, the subject, later identified as Paul Barrier, exited my field of view. Approximately ten to fifteen seconds later (as I was approximately 20-30 feet away), I observed Barrier re-enter my field of view and begin walking southeast on the walkway (towards apartment #1). I observed that Barrier appeared to be holding a solid metal object, similar to a pipe or a pole (later identified as an 18 inch long metal pole), grasped in both his hands. Barrier was holding the pole at waist height, with one end facing away from him, and the other end facing towards his midsection. Barrier also appeared to have a red colored shopping bag or grocery bag slung over his shoulder.

Based on the similar description of the subject who was alleged to be brandishing a shotgun, and due to the fact that Barrier appeared to be holding (and wielding) a dangerous weapon (metal pole), I identified myself as Novato Police, and ordered Barrier at gunpoint to drop the pole and lay face down on the walkway. Barrier immediately dropped the metal pole from his hands, but then began arguing with me about why he should follow my commands and lay on the walkway in a prone position. Sgt Howard arrived on scene and also ordered Barrier to lay face down and follow our commands. After several moments, Barrier complied, and lay face down on the walkway. Sgt Howard provided cover while I detained Barrier in handcuffs. I conducted a pat search of Barrier for any weapons with negative results.

Several moments later, Officer Boehm, Officer Bartlett, Officer Frey and Officer Commisto arrived on scene (See original report for details).

Case Status:

Forward to original case.

Report Officer
NP328/JENNER, DANIEL

Printed At
07/29/2008 08:55

Page 1 of 1

EDWARD S. BERBERIAN
MARIN COUNTY
DISTRICT ATTORNEY
LINDA M. WITONG
DEPUTY DISTRICT ATTORNEY
STATE BAR NUMBER 085743
3501 CIVIC CENTER DRIVE, ROOM 130
SAN RAFAEL, CA 94903-4196
TELEPHONE: (415) 499-6450
FAX NUMBER: (415) 499-3719

SC160215

ATTORNEYS FOR THE PLAINTIFF

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MARIN

THE PEOPLE OF THE STATE OF CALIFORNIA,)	NO. SC160215
)	
PLAINTIFF,)	AGENCY CASE NO(S) .
)	NP08004659
v.)	
)	COMPLAINT
PAUL BARRIER,)	
)	
DEFENDANT(S) .)	

I, THE UNDERSIGNED, SAY, ON INFORMATION AND BELIEF, THAT IN THE COUNTY OF MARIN, STATE OF CALIFORNIA:

COUNT 001: On or about June 26, 2008, the crime of CRIMINAL THREATS, in violation of Section 422 of the Penal Code, a felony, was committed by PAUL BARRIER, who, at the time and place last aforesaid, did willfully and unlawfully threaten to commit a crime which would result in death or great bodily injury to another person, to wit: Patrick Geraghty, with the specific intent that the statement is to be taken as a threat which, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate, and specific as to convey

16/2/3
WEEKLY
STREET

NO
ACTUAL
THREAT

PAUL BARRIER

SC160215

to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby caused that person reasonably to be in sustained fear for his/her own safety and for his/her immediate family's safety.

+ /
IT IS FURTHER ALLEGED, as to Count 1, that, in the commission and attempted commission of the above offense, the said defendant(s), PAUL BARRIER, personally used a deadly and dangerous weapon(s), to wit: a knife, said use not being an element of the above offense within the meaning of Penal Code Section 12022(b)(1).

16/12/13
HOBBS
SNAKE
COUNT 002: For a further and separate cause of complaint, being a different offense of the same class of crimes and offenses as the charge set forth in Count 001, complainant further complains and says: On or about July 28, 2008, the crime of CRIMINAL THREATS, in violation of Section 422 of the Penal Code, a felony, was committed by PAUL BARRIER, who, at the time and place last aforesaid, did willfully and unlawfully threaten to commit a crime which would result in death or great bodily injury to another person, to wit: Patrick Geraghty, with the specific intent that the statement is to be taken as a threat which, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby caused that

PAUL BARRIER

SC160215

person reasonably to be in sustained fear for his/her own safety and for his/her immediate family's safety.

IT IS FURTHER ALLEGED, as to Counts 1 and 2, that the above offense, committed by the said defendant(s), PAUL BARRIER, is a serious felony within the meaning of Penal Code Section 1192.7(c)(38).

IT IS FURTHER ALLEGED, as to Counts 1 and 2, that the above offense, committed by the said defendant(s), PAUL BARRIER, is a violent felony and/or serious felony, within the meaning of Penal Code Sections 1170.12(a), (b), and (c).

16/2/11
washed

COUNT 003: For a further and separate cause of complaint, being a different offense from but connected in its commission with the charge set forth in Count 002, complainant further complains and says: On or about July 28, 2008, the crime of POSSESSION OF A DEADLY WEAPON, in violation of Section 12020(a)(1) of the Penal Code, a felony, was committed by PAUL BARRIER, who, at the time and place last aforesaid, did willfully and unlawfully manufacture, cause to be manufactured, import into the State of California, keep for sale, offer and expose for sale, and give, lend, and possess an instrument and weapon of the kind commonly known as a short barreled shotgun.

IT IS FURTHER ALLEGED as to Count 3, that probation shall

PAUL BARRIER

SC160215

not be granted to the said defendant(s), PAUL BARRIER, except in an unusual case where the interests of justice would best be served pursuant to Penal Code Section 1203(e)(11).

16/2/13
w/16/2/13

COUNT 004: For a further and separate cause of complaint, being a different offense of the same class of crimes and offenses as the charge set forth in Count 003, complainant further complains and says: On or about July 28, 2008, the crime of POSSESSION OF A DEADLY WEAPON, in violation of Section 12020(a)(1) of the Penal Code, a felony, was committed by PAUL BARRIER, who, at the time and place last aforesaid, did willfully and unlawfully manufacture, cause to be manufactured, import into the State of California, keep for sale, offer and expose for sale, and give, lend, and possess an instrument and weapon of the kind commonly known as a billy.

16/2/13

COUNT 005: For a further and separate cause of complaint, being a different offense from but connected in its commission with the charge set forth in Count 004, complainant further complains and says: On or about July 28, 2008, the crime of CULTIVATING MARIJUANA, in violation of Section 11358 of the Health and Safety Code, a felony, was committed by PAUL BARRIER, who, at the time and place last aforesaid, did willfully and unlawfully plant, cultivate, harvest, dry, and process marijuana.

NOTICE: Conviction of this offense(s), as to Counts 1, 2,

PAUL BARRIER

SC160215

3, 4, and 5, will require the said defendant(s), PAUL BARRIER, to provide specimens and samples pursuant to Penal Code Section 296. Willful refusal to provide the specimens and samples is a crime.

NOTICE: Conviction of the above offense(s), Count 5, will require the said defendant, PAUL BARRIER, to register pursuant to Health and Safety Code Section 11590. Failure to do so is a crime pursuant to Health and Safety Code Section 11594.

IT IS FURTHER ALLEGED, as to Count 5, that, in the commission and attempted commission of the above offense, a principal in said offense, the said defendant(s), PAUL BARRIER, was armed with a firearm(s), said arming not being an element of the above offense within the meaning of Penal Code Section 12022(a)(1).

IT IS FURTHER ALLEGED as to Count 5, that probation shall not be granted to the said defendant(s), PAUL BARRIER, except in an unusual case where the interests of justice would best be served pursuant to Penal Code Section 1203(e)(11).

COUNT 006: For a further and separate cause of complaint, being a different offense from but connected in its commission with the charge set forth in Count 005, complainant further complains and says: On or about July 28, 2008, the crime of ALTERATION OF IMITATION FIREARM, in violation of Section 12553(a) of the Penal

PAUL BARRIER

SC160215

Code, a misdemeanor, was committed by PAUL BARRIER, who did willfully and unlawfully change, alter, remove, and obliterate coloration and markings that are required by federal and state law and regulation for any imitation firearm and device described in Section 12555(c) of the Penal Code, in a way that made the imitation firearm and device look more like a firearm.

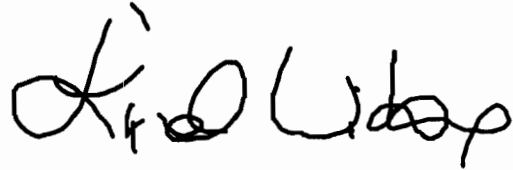
COUNT 007: For a further and separate cause of complaint, being a different offense from but connected in its commission with the charge set forth in Count 006, complainant further complains and says: On or about June 26, 2008, the crime of EXHIBITING A DEADLY WEAPON, in violation of Section 417(a)(1) of the Penal Code, a misdemeanor, was committed by PAUL BARRIER, who, at the time and place last aforesaid, was a person who, not in self-defense, in the presence of another person, to wit: Patrick Geraghty, did willfully and unlawfully draw and exhibit a deadly weapon, to wit: a knife, in a rude, angry, and threatening manner.

PAUL BARRIER

SC160215

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT EXCEPT AS TO THOSE MATTERS STATED ON THE INFORMATION AND BELIEF AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

EXECUTED ON 7/29/2008, AT SAN RAFAEL, CALIFORNIA.

A handwritten signature in black ink, appearing to read "Linda M. Witong". The signature is stylized with a large initial "L" and a cursive "Witong".

LINDA M. WITONG
DEPUTY DISTRICT ATTORNEY

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF MARIN

3 --oOo--

COPY

4
5 HON. PAUL M. HAAKENSEN, JUDGE

DEPARTMENT NO. F

6
7 THE PEOPLE OF THE STATE OF CALIFORNIA,)

8 Plaintiff,)

9 vs.)

No. SC-160215A

10 PAUL BARRIER,)

11 Defendant.)

12
13
14 PRELIMINARY HEARING

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 Wednesday, August 13, 2008

17 Friday, August 15, 2008

18 Monday, August 18, 2008

19
20 --oOo--

21
22 FILED

23 AUG 28 2008

24 KIM TURNER
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By C. Palmaynesa, Deputy

25
26
27
28 REPORTED BY: ELAINE H. NINKOVICH, CSR No. 3275

I N D E X

<u>PEOPLE'S WITNESSES</u>	<u>PAGE</u>
<u>GERAGHTY, PATRICK CORDON</u>	
(SWORN)	5
Direct Examination by Ms. Prince	6
Cross-Examination by Mr. Morris	16
<u>COMMISTO, STEPHANIE</u>	
(SWORN)	28
Direct Examination by Ms. Prince	28
Cross-Examination by Mr. Morris	36
<u>JENNER, DANIEL</u>	
(SWORN)	45
Direct Examination by Ms. Prince	45
<u>BARTLETT, BRETT</u>	
(SWORN)	48
Direct Examination by Ms. Prince	49
Cross-Examination by Mr. Morris	56
Redirect Examination by Ms. Prince	59
<u>FRIDAY, AUGUST 15, 2008</u>	45
<u>MONDAY, AUGUST 18, 2008</u>	73

1 A. Yes, sir.

2 Q. One of the first things he told you was that he was
3 in fear for his life, isn't that right?

4 A. I don't recall. I don't recall that being said to
5 me. I don't doubt you, but I don't remember it being said.

6 Q. Do you recall that Mr. Barrier said that he was
7 scared for his safety?

8 A. Yes, I do remember he said that.

9 Q. But you just didn't put that in your report?

10 A. No, I -- I did not.

11 Q. But he did say that?

12 A. Yes.

13 Q. And Mr. Barrier referred you to Civil Code 50
14 regarding self-defense, is that correct?

15 A. Yes.

16 Q. Regarding the shotgun, you mentioned that the barrel
17 was 10 inches long. What makes you think that?

18 A. Approximately 10 inches, sir.

19 Q. And to you, what is the barrel of the shotgun?

20 A. From the chamber forward.

21 Q. From the chamber forward?

22 A. Well, from the breach bolt forward. I'm sorry. So
23 the overall length, right where the firing pin is, it's the
24 breach bolt all the way forward to the end of the barrel.

25 Q. So if you were to open the shotgun -- is that what
26 you call the breach point?

27 A. Correct. That would be -- where you put the rounds
28 in, that would be the chamber. I would assume the breach

1 A. It appeared to be some sort of metal pole
2 approximately maybe two feet in length, half an inch to inch
3 in diameter.

4 MS. PRINCE: Thank you. I have no further
5 questions.

6 THE COURT: Cross-examination?

7 MR. MORRIS: No, thank you.

8 THE COURT: Okay. Thank you, Officer. You may be
9 excused. Thank you, sir.

10 (Witness excused.)

11 THE COURT: You may call your next witness. And
12 you're calling?

13 MS. PRINCE: Officer Bartlett, Your Honor.

14 THE COURT: Good morning, Officer. When you arrive
15 at the witness stand, if you could remain standing and raise
16 your right hand.

17 BRETT BARTLETT,
18 produced as a witness on behalf of the People in the
19 above-entitled action, who, being first duly sworn, testified
20 as is hereinafter set forth.

21 THE CLERK: Please be seated.

22 Please state and spell your name for the record.

23 THE WITNESS: My name is Officer Brett Bartlett,
24 B-r-e-t-t, B-a-r-t-l-e-t-t.

25 THE CLERK: Thank you.

26 THE COURT: You may proceed.

27 MS. PRINCE: Thank you, Your Honor.

28

Paul Barrier
1001 Eighth Street #1
Novato, California 94945
[http:// www .earthlink.net/~paulskids2005](http://www.earthlink.net/~paulskids2005)

August 15, 2008

To: Marin County District Attorney, Edward Berberian
3501 Civic Center Drive, Room 130
San Rafael, California 94945

Referencing: CRIMINAL ACTIVITY

Mr. Berberian,

This letter is to inform you that one of your assistant district attorneys is committing a crime. Michele Prince is using State law to deprive me of a Constitutional right. She is charging me with possession of a short barreled shot gun, California penal code 12020(a)(1). However, recently the United States Supreme Court ruled in *District of Columbia vs. Heller* (decided June 26, 2008) (on the internet at: [www .supremecourtus.gov/opinions/07slipopinion .html](http://www.supremecourtus.gov/opinions/07slipopinion.html)) that the Second Amendment of the Constitution protects an individuals right to possess a firearm, and to use that firearm for traditional lawful purposes, such as self-defense within the home.

The court also ruled that trigger locks for guns are unconstitutional.

Therefore, in light of this ruling by the United States Supreme Court, your assistant district attorney Michelle Prince, is committing a federal crime by using State law to try and take away a Constitutional right of mine. Pursuant to the United States Code, Title 18 Section 242, it is a federal crime to use State law to deprive an American citizen of a Constitutional right.

18 U.S.C. § 242. **Deprivation of rights under color of law**

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

As you know, the Second Amendment of the Constitution says we have the right to keep and bear arms. This Constitutional right was *just recently* re-affirmed by the United States Supreme Court, in *District of Columbia vs. Heller*.

The reason why I write to you is because you are in charge of the district attorneys office in the California County known as Marin. You have the power, and ability to consult with Ms. Prince and have her evaluate her decision to ignore my Second Amendment right, especially in light of the recent U. S. Supreme Court ruling on this matter. I already mentioned this to her, but she ignored me. She heard me, but ignored the seriousness of what I told her.

I am telling you this because I am also the victim of a conspiracy, of which many people who work in law enforcement are co-conspirators.

I do not know at this time, if you have attended any of the Bohemian Grove's annual satanic celebrations in Sonoma County. But I do know that the current governor of California goes every year. Should I be able to find out that someone in your office, or one of the male Judges in the Marin County court system has

also attended, it will be that much easier to prove that Michelle Prince's intentional and willful disregard for my Constitutional rights was her role in the conspiracy against me.

Public Defenders Office has audio tape about what goes on at the Bohemian Grove's annual satanic celebration of sacrificing children. A celebration of child murder. How will the *general public* react when they find out there are people working in Marin County law enforcement who have attended a celebration of child murder.

California Penal Code § 182. Conspiracy

- (a) if two or more persons conspire: (1) to commit any crime. (2) falsely and maliciously to indict another for any crime, or to prove another to be charged or arrested for any crime. (3) falsely to move or maintain any suit, action or proceeding. (5) to commit any act injurious to the public health to the public morals or to pervert or obstruct justice, or the administration of the laws. They are punishable as follows: when the conspire to do any of the other acts described in this section, they shall be punishable by imprisonment in the county jail for not more than one year, or in state prison, or by a fine not exceeding \$10,000 or both.

Your assistant district attorney, Michelle Prince is also charging me with growing marijuana, even though I have a doctors note, and under the Compassionate Use Act of 1996, I am suppose to have **immunity from cultivation** of medical marijuana. **Health and Safety Code § 11362.5(d).**

You do not need a written note from a doctor. An oral recommendation or approval of a physician is all that is needed. H&S 11362.5(d)

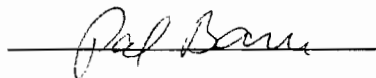
She is intentionally and willfully ignoring this. There has to be reason. She knows how to read, and has a law degree (or college education), so it has to be something other than being illiterate.

She has also ignored my claims of self-defense, and my legal rights under California Civil Code 50.

Thus I simply ask that you consult with her on this matter because your office is already suspect. The District Attorney's office in Marin County has ignored my allegations and proof of being a victim of California Penal Code 367(g) and genocide. See my website for details.

I find that I will have no other choice but to contact the FBI in Washington D.C., and other field offices, if your assistant district attorney, Michelle Prince continues to attempt to deprive me of my Constitutional right to keep and bear arms, pursuant to the Second amendment of the Constitution of the United States, and continues to deprive me of the other immunities, protections and rights afforded to me under California law, Civil Code § 50, and Health and Safety Code § 11362.5(d).

Sincerely, Paul Barrier



Dated: August 20, 2008

Copies to
Federal Bureau Of Investigation.
Governor of California, State and Federal Senators,
And others.

POINTS AND AUTHORITIES FOR DISMISSAL OF CHARGES

1). Constitution of the United States. See organizational chart of United States Government, attached to this letter.

The Constitution is above the rulings of the United Supreme Court.

See organizational chart of United States Government.

The Constitution is a peace of paper, which can not defend itself, when the judges of the Supreme Court or any other court of law rule in opposition of what the Constitution says. The Second Amendment of the Constitution specifically states American citizens have the right to keep and bear arms. The Amendment does not prohibit short barreled shotguns.

2). California law allows police, sheriffs, and other law enforcement personnel to have short barreled shotguns. So the law prohibiting non-law enforcement citizens from having a short barreled shotgun is discriminative. Because we all can't become law enforcement personnel. Currently, every person in California who wanted to own a short barreled shotgun would have to get a job in law enforcement.

3). United States vs. Miller, 307 U.S. 174 (1939). Many prosecutors use this case to support their prosecution of a person who possesses a short barreled shotgun. However, the holding of this 1939 case was based on the importers of these guns not paying taxes on the guns. Likewise, the court stated that the weapon at the time had no military use. But since 1939 American soldiers in Vietnam, law enforcement swat teams, narcotic units, and militaries from other countries have used short barreled shotguns. Therefore, the Supreme Court's holding that the weapon has no military use is presently incorrect.

4). Oath to defend, support the Constitution. Everyone working in the Marin County district attorneys office as an assistant district attorney has taken an oath to defend the Constitution of the United States. The words, sentences, in and of themselves, standing alone, as stated in the Constitution. No-one took an oath to defend the rulings of the courts.

There is no doubt that American citizens have a Constitutional right to keep and bear arms.

Constitution Amendment II [1791]

A well regulated Militia, being necessary to the security of a free State, the right of the people to *keep and bear* Arms, **shall NOT** be infringed.

Constitution Article VI [2].

The Constitution is "the Supreme Law of the Land.

Constitution Amendment XIV [1868] Section 1.

The Constitution states;

No State shall make *or enforce* **ANY law** which shall abridge the privileges or *immunities* of citizens of the United States.

CONCLUSION

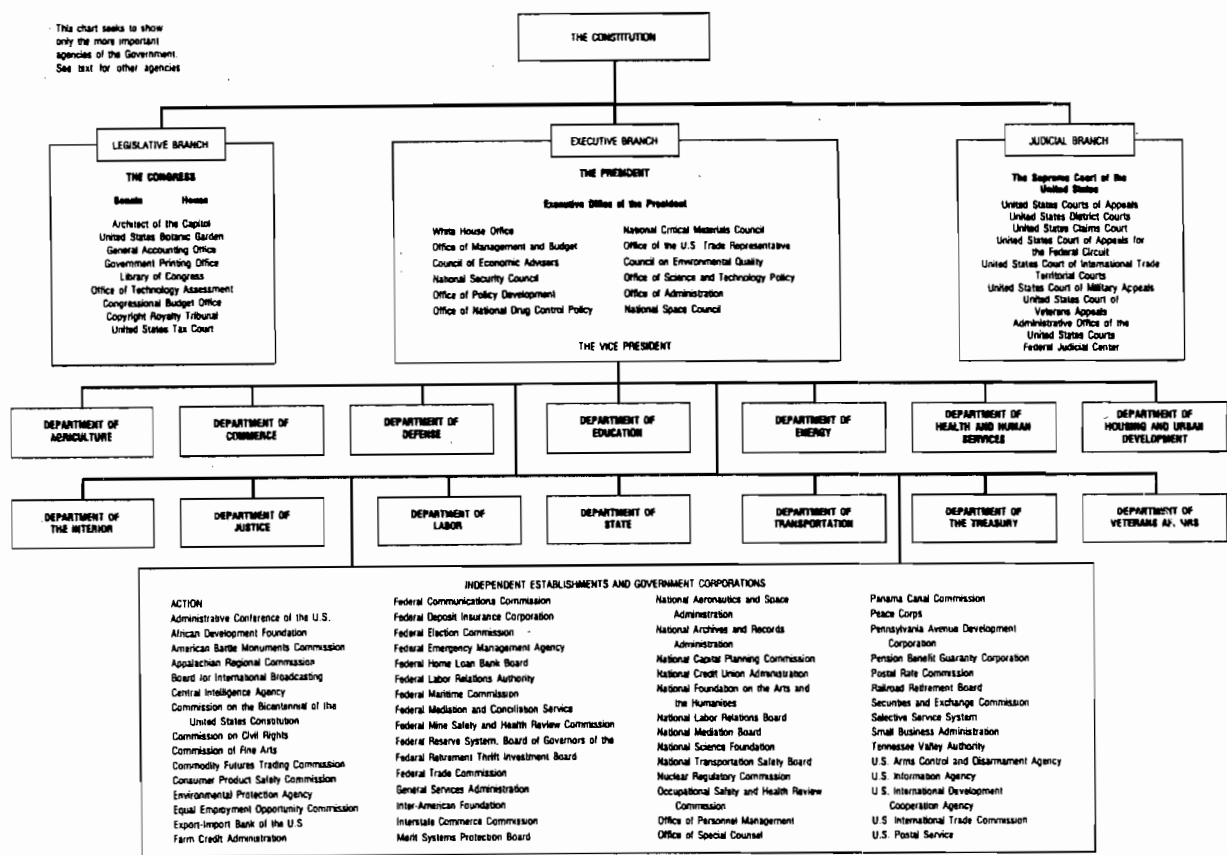
Because the Constitution is the Supreme Law of the Land, and as such it states that American citizens are entitled to keep and bear Arms, it provides **ME** immunity from State laws regarding short barreled shotguns. Constitution Amendment XIV [1868] Section1. "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

Clearly, a short barreled shot gun is considered a firearm as mentioned in the Constitution, and therefore legal for me to keep and bear in my home for self-defense.

California law allows short barreled shotguns to be possessed by law enforcement personnel. They are immune from prosecution for having this firearm.

It is a federal crime to use State law to deprive a person of their Constitutional rights. 18 U.S.C. § 242.

ORGANIZATIONAL CHART OF UNITED STATES GOVERNMENT



Paul Barrier
1001 Eighth Street #1
Novato, California 94945
[http:// www .earthlink.net/~paulskids2005](http://www.earthlink.net/~paulskids2005)

August 21, 2008

To: Marin County District Attorney, Edward Berberian
3501 Civic Center Drive, Room 130
San Rafael, California 94945

Referencing: MISCARRIAGE OF JUSTICE,
People v. Lopez, 251 Cal.App.2d 918, 60 Cal.Rptr. 72, 76

Mr. Berberian,

Attached to this letter is a letter from the *owner of the apartments, owner of the property*. It shows that I have never been a problem. It substantiates my claims of self-defense. As such, I should not be charged with a violation of Cal.Penal 417.

California Penal Code 417 (a)(1) & 417(2) both begin with the words: "Every person who, except in self defense." I was always, in every encounter with the plaintiff Mr. Geraghty, defending myself from his physical and verbal attacks.

He admits that I informed him of my right to defend myself.

See Preliminary Hearing testimony, Patrick Geraghty.

SHORT BARRELED SHOTGUN

I realize that your assistant district attorneys want to use State law to support the short barreled shotgun charge. However, it is clear that the Constitution of the United States, the Second Amendment states that the right to keep and bear Arms *shall not* be infringed.

Shall not be infringed, means exactly that, shall not be infringed.

It would be a violation of federal law to use State law, or case law (i.e., *United States vs. Miller* 407 U.S. 174) to attempt to prosecute me for exercising my Second Amendment right.

See United States Code Title 18 U.S.C. § 242.

Likewise, California Penal Code 417(2), does not exclude a short barreled shotgun as a weapon of self-defense.

SELF-DEFENSE

California Civil Code 50. (50) Section fifty says: ANY necessary force may be used to protect from wrongful injury the person or property of oneself, or of a wife, husband, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or quest.

CONSTITUTION

As you know, you took an oath to defend the Constitution of the United States. I am asking you and your staff (who also took the oath) to stand by your oath. The Supreme Court of the United States ruled in opposition of the Second Amendment of the Constitution in, *U.S. vs. Miller*, 407 U.S. 174 (1939).

American citizens do indeed have a Constitutional right to keep and bear Arms, and this right shall not be infringed. The Constitution is clear on this. The right of the people to keep and bear Arms, shall not be infringed.

If and when limitations of the types of Arms that American citizens can have are placed on the American public, the Second Amendment is violated.

I did not write the Second Amendment, it was written over 200 years ago. But it is still taught in every grade school in our country as being a basic right of the people.

It is also taught in law schools.

Thus, by prosecuting me for having a short barreled shotgun your office would be violating a basic Constitutional right of mine. You can not rely on case law or State law to take away a Constitutional right.

The Constitution is the Supreme Law of the land.

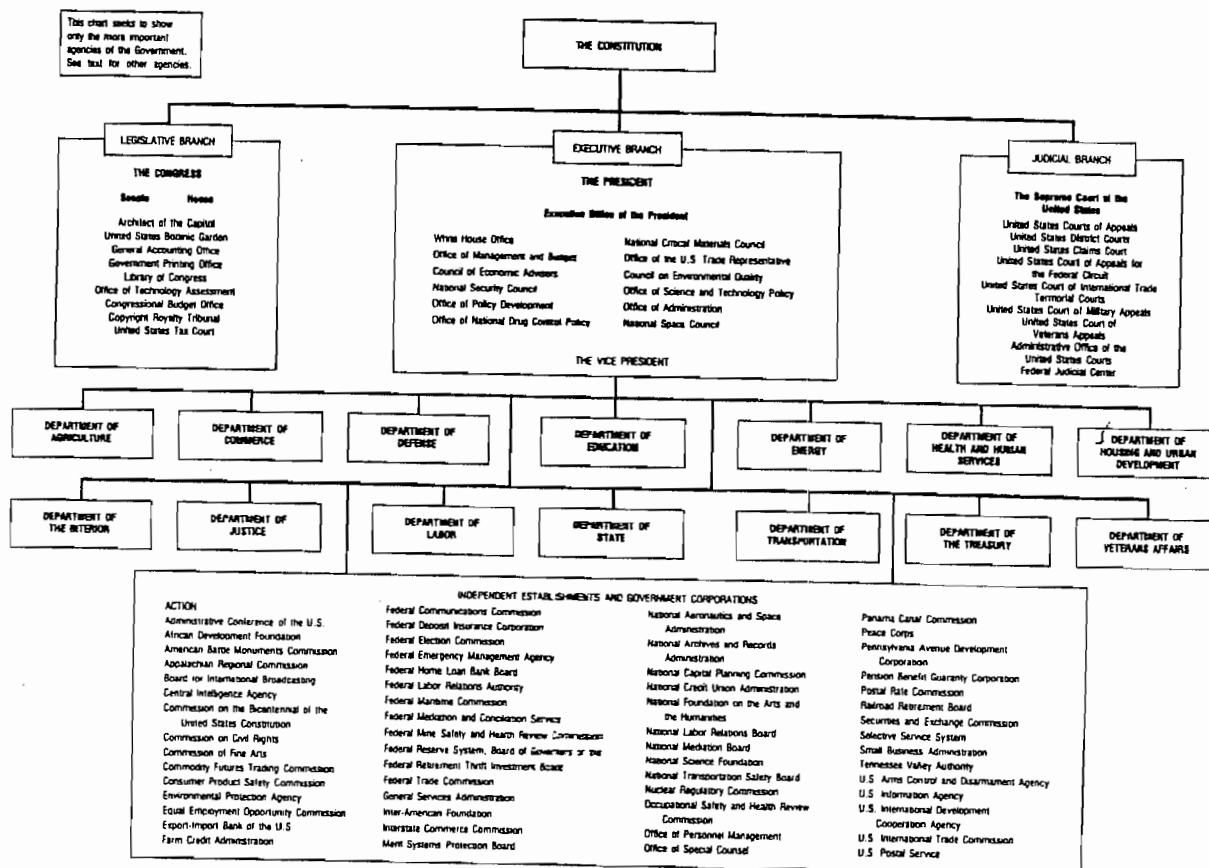
Not the rulings of the United States Supreme Court, or any other Court, and certainly not California law.

See chart below.

In the interest of justice, the charges should be dismissed.

MISCARRIAGE OF JUSTICE, *People v. Lopez*, 251 Cal.App.2d 918, 60 Cal.Rptr. 72, 76. As used in Constitutional standard of reversible error, "miscarriage of justice" means a reasonable probability of more favorable outcome for the defendant.

ORGANIZATIONAL CHART OF UNITED STATES GOVERNMENT



Paul Baner 8/22/08

Carlotta-1, LLC
P. O. Box 6372
San Rafael, CA 94903
(415)459-2205

August 14, 2008

To Whom It May Concern:

RE: Paul Barrier and Patrick Garehty

As the owner of Carlotta Apartments where Paul Barrier has been a tenant for over ten years (1001 8th St. Apt. 1, Novato), I would like to volunteer information that may be of some help.

Mr. Barrier has been a quiet tenant and often helpful in bringing things to my attention, such as unauthorized parking in the apartment's lot, etc. I have never been aware of any tenant having been harassed or in any way disturbed by him.

However, when Patrick Garehty started visiting the apartments (his brother Kevin is a tenant) I have had several complaints because of Mr. Gerahty's use of common facilities that are for tenant's use only such as laundry room, swimming pool (pool is posted "For Tenant's Use Only" and parking lot. I called Mr. Gerahty and asked him to stop using these facilities.

The most recent complaints against Mr. Gerahty are of a different nature. On August 7, 2008 Debra Arndt, who lives in Apt. 4, called to complain that Mr. Gerahty had been harassing her, by ridiculing her and calling her names. Debra is handicapped. On August 14, 2008 Debra again called to complain to me about a reoccurrence of the same situation. Shouting was reported by surrounding tenants.

Mr. Barrier had reported being harassed by Mr. Gerahty while both men were near the Novato Library some time ago.

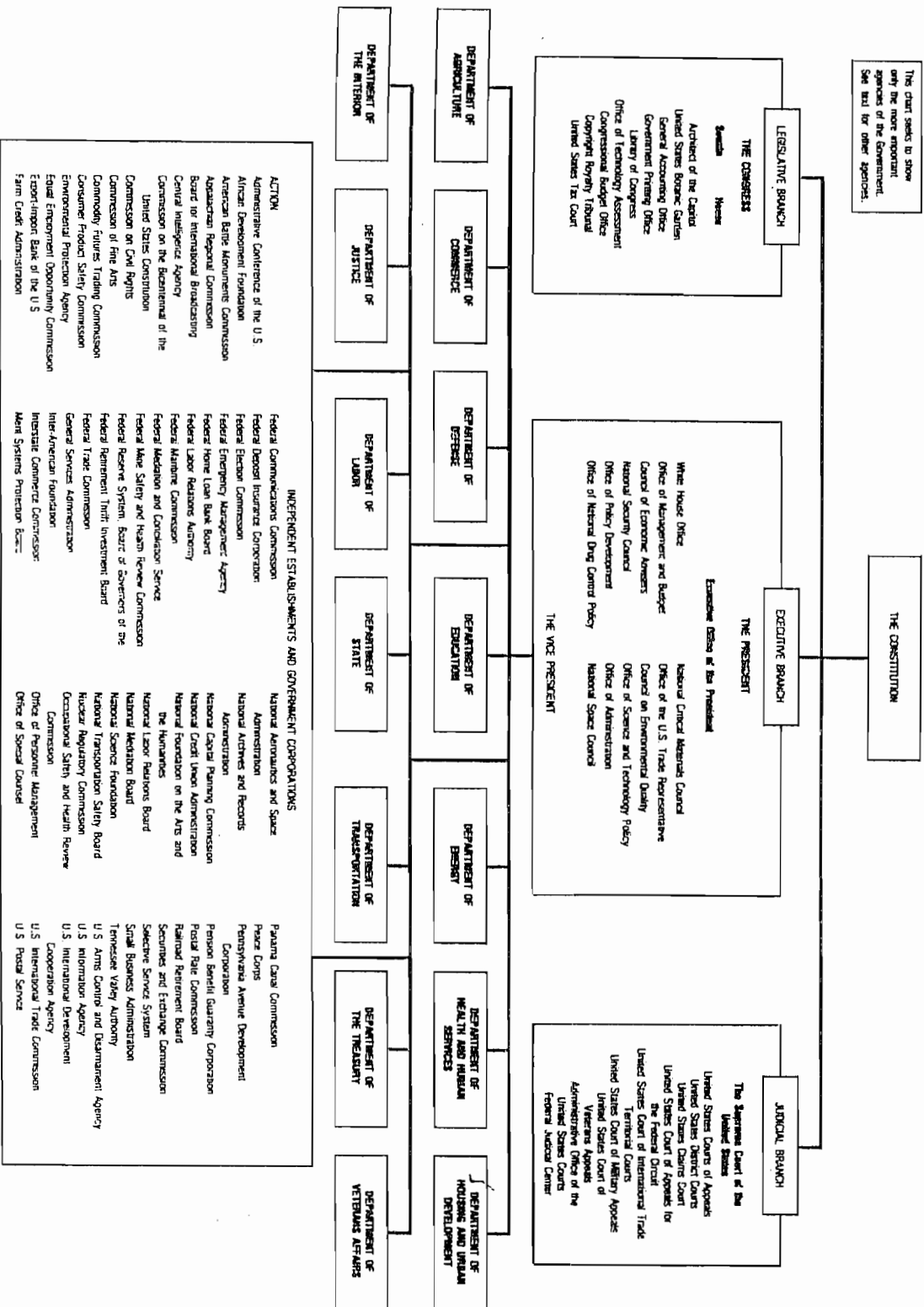
Mr. Garehty has been and is an irritant to my tenants and I will be asking the courts for a Restraining Order so that my tenants can have the tranquility they deserve.

Sincerely,

Louis F. Ricci
Member Carlotta-1, LLC

ORGANIZATIONAL CHART OF UNITED STATES GOVERNMENT

The chart seeks to show only the more important agencies of the Government. See text for other agencies.



your oath was to defend the Constitution — NOT the rulings of the United States Supreme Court. THE Constitution is clear, the people do have a constitutional right to keep and bear arms.

A. M. R. v. S. H. v. S.

Paul Barrier
1001 Eighth Street #1
Novato, California 94945
[http:// www .earthlink.net/~paulskids2005](http://www.earthlink.net/~paulskids2005)

August 26, 2008

To: Marin County District Attorney, Edward Berberian
3501 Civic Center Drive, Room 130
San Rafael, California 94903

Referencing: BEYOND A REASONABLE DOUBT

Mr. Berberian,

In this final letter to you, asking you to consult with your staff about the illegal prosecution of me, I am going to remind everyone that the burden of proof your staff has is that of guilty *beyond a reasonable doubt*. Reasonable doubt which will justify acquittal is doubt based on reason and arising from evidence which a reasonable man or woman might entertain. *U.S. v. Jonhson, C.A.N.Y., 343 F.2d 5, 6.* Doubt based on reason which arises from evidence or lack of evidence. *Johnson v. Louisiana, 406 U.S. 356, 360. 92 S.Ct. 1620, 1624. 32 L.Ed2d 152.*

The Second Amendment of the Constitution presents a reasonable doubt to the possession of a short barreled shotgun, *because the Amendment says: "the right of the people to keep and bear Arms," shall Not be Infringed.* The Second Amendment of the Constitution does not prohibit any weapon, all Arms are allowed under the *plain reading* of the Constitution's Second Amendment. California Law, Civil Code § 50, *provides a reasonable doubt* to any charge of brandishing a weapon, any type, for self-defense. So does Penal Code § 417 (a)(1), and 417 (2), they both provide a self-defense exception.

California Law, **Health and Safety Code § 11362.5 (d)**, provides *reasonable doubt* to the charge of cultivation of medical marijuana, since section (d) says: "Section 11358 (of the penal code) relating to the cultivation of marijuana," *Shall Not apply to a patient, ... who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written, ... recommendation or approval of a physician."*

Health and Safety Codes §, § 11362.5 (B), 11362.7 (f), and, 11362.71 (a)(1), and, 11362.77, and 11362.77 (b), all provide *reasonable doubt* to the cultivation limits and protections of § 11362.5 of those without an Identification Card.

Health and Safety § 11362.5 (B). *Immunity from prosecution or sanction.*

Health and Safety § 11362.7 (f). *Qualified patient without identification card.*

Health and Safety § 11362.71 (a)(1). *Voluntary program for identification card.*

Health and Safety § 11362.77. *Modification to Cultivation limits.*

Health and Safety § 11362.77 (b). *Exceeding Cultivation limits.*

Federal Law

Title 18 U.S.C. § 242, provides a *reasonable doubt* to the use of State law to take away, infringe upon, a Constitutional right. As does Title 42 U.S.C. § 1983.

Without a doubt the Constitution's Second Amendment *is a specific right* to keep and bear Arms, and the Amendment says this right *Shall Not* be infringed.

Likewise, the Constitution's Fourteenth Amendment (Constitution Amendment XIV [1868] Section 1), says: "*No State shall make or ENFORCE ANY Law which shall abridge the privileges or immunities of citizens of the United States, ...*"

Therefore, by using State law to prosecute me for Exercising A Constitutional right, your office will be committing a federal crime. 18 U.S.C. § 242. This presents a *reasonable doubt*, because your office would be committing a federal felony in attempting to charge me with a crime. Your office should be, Could be, prosecuted for doing this.

Finally, the United States Supreme Court is NOT the Supreme law of our Country. This court *violated* the Second Amendment rights of the people involved in the *Miller* case, (*U.S. vs. Miller, 407 U.S. 174.*) and this case is *not binding on other cases*. NOT binding on me.

Just because the court violated the Second Amendment in *Miller*, this does not provide your office with a right to follow them. It would be Conspiratorial to do so. A Conspiracy to violate the Constitution and my Constitutional rights. A violation of the written oath to defend the Constitution that everyone in the district attorneys office who works as an assistant district attorney took. A document available in everyone's personnel file, evidence, and proof that can be used to substantiate a conspiracy.

California Penal Code § 182. Conspiracy

(a) if two or more persons conspire: (1) to commit any crime. (2) **falsely and maliciously to indict another for any crime**, or to prove another to be charged or arrested for any crime. (3) **falsely to move or maintain any suit, action or proceeding**. (5) to commit any act injurious to the public health to the public morals **or to pervert or obstruct justice, or the administration of the laws**. They are punishable as follows: when the conspire to do any of the other acts described in this section, they shall be punishable by imprisonment in the county jail for not more than one year, or in state prison, or by a fine not exceeding \$10,000 or both.

Law Professors, attorneys, can be called as witnesses to confirm that the United States Supreme Court violated the Second Amendment of the Constitution in *Miller*. Also, that the *Miller* case is not binding on other cases. Not binding in my case.

A criminal Conspiracy is an "**agreement to commit a crime**." *United States v. Lechuga*, 994 F.2d 346, 348 (7th Cir.) (en banc), cert., denied, 114 S.Ct. 482, (1993).

"To join a Conspiracy, then, is to join an agreement, rather than a group." *United States v. Townsend*, 924 F.2d 1385, 1390 (7th Cir.1991). A jury may infer the elements of a conspiracy ... from a collection of circumstances. *United States v. Leal*, 74 F.3d 600, 606. (1996).

Conclusion

Your office has the heavy burden of proving *beyond a reasonable doubt* that I committed the crimes I am currently charged with. Likewise your office has to prove that it is not committing a federal crime by using State law to infringe, abridge, a specific Constitutional right of mine, which states that *it should not be infringed*.

There is already a conspiracy against me involving people in law enforcement and there is no excuse. Are there any people working in Marin County law enforcement, who attend the annual satanic celebration of the bohemian grove, in Sonoma County?

Ask the public defenders office for the Audio tape about what goes on at the bohemian grove's annual satanic celebration in Sonoma County.

The Constitution is the Supreme Law of the land, not the rulings of the U.S. Supreme Court, and certainly not State laws.

Constitution Article VI [2].

The Constitution is "the Supreme Law of the Land.

Constitution Amendment II [1791]

A well regulated Militia, being necessary to the security of a free State, the right of the people to *keep and bear* Arms, shall NOT be infringed.

Constitution Amendment XIV [1868] Section 1.

The Constitution states;

No State shall make *or enforce* **ANY law** which shall abridge the privileges or *immunities* of citizens of the United States.

Just because the U.S. Supreme Court violated the Second Amendment, this does not provide your office with a right to follow them. It would be Conspiratorial to do so. A Conspiracy to violate the Constitution and my Constitutional rights.

A criminal Conspiracy is an "agreement to commit a crime." *United States v. Lechuga*, 994 F.2d 346, 348 (7th Cir.) (*en banc*), *cert.*, *denied*, 114 S.Ct. 482, (1993). "**To join a Conspiracy, then, is to join an agreement,** rather than a group." *United States v. Townsend*, 924 F.2d 1385, 1390 (7th Cir.1991). A jury may infer the elements of a conspiracy ... from a collection of circumstances. *United States v. Leal*, 74 F.3d 600, 606. (1996).

Paul Borne 9/2/08

EDWARD S. BERBERIAN, District Attorney
 NICOLE M. PANTALEO, Deputy District Attorney
 State Bar Number 233184
 3501 Civic Center Drive, Room 130
 San Rafael, California 94903-5207
 Telephone: (415) 499-6450
 Fax Number: (415) 499-3719

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MARIN

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

PAUL BARRIER,

Defendant.

NO. SC160215A

PEOPLE'S MOTIONS IN LIMINE
 TO EXCLUDE EVIDENCE
PROFFERED BY DEFENDANT

Date: January 16, 2009
 Time: 9:30 a.m.
 Dept: F

1. **Motion to Exclude the Following Listed Items on the Basis Of Evidence Code Sections 350, 1200 and 352:** The People move the Court to exclude the following topics and items from the jury trial:

- a. Organizational Chart of the United States Government;
- b. Defendant's website
<http://home.earthlink.net/~paulkids2005> and any related topic;
- c. Copy of the United States Constitution;
- d. United States Code Title 18 Section 242;

//

- 1 e. Letters from witnesses Scott Aiken, Doris Eggerding,
2 and Gabrielle Ricci;
3 f. Letter from the Federal Reserve Bank California
4 Federal;
5 g. Audio/visual recording about the Bohemian Grove
6 Organization;
7 h. Police reports from Novato Police Department, except
8 to use to refresh the recollection or impeach a
9 witness. The actual report itself is inadmissible
10 hearsay;
11 i. Defendant's allegations that his sperm is used to
12 impregnate women and produce children for satanic
13 rituals;
14 j. Defendant's allegations that law enforcement
15 agencies and officers, members of the Court, members
16 of the Marin County District Attorney's Office, or
17 anyone else is involved in the alleged conspiracy to
18 steal his children, conduct satanic rituals on
19 children, and/or participate in any related
20 conspiracy or the Bohemian Grove Organization;
21 k. Defendant's allegation that he is the father of
22 Madonna's child or the father of any other person.
23 It is not relevant to the proceedings;
24 l. Defendant's allegations against the Honorable
25 Michael Dufficy or any other member of any court;
26 m. Defendant's allegations that the Marin County
27 District Attorney's Office and its representatives
28 are violating his constitutional rights.

1 It is the People's position that all of these items are
 2 inadmissible hearsay, lack foundation, are not relevant, and would
 3 mislead and confuse the jury. (Evid. Code §§1200, 350, 352.)

4 **2. Motion to Exclude Portions of the Novato Police**

5 **Department Recording at the Scene:** That portions of the recordings
 6 that do not include exceptions to the hearsay rule, such as
 7 defendant's admissions, be excluded. The tape is over 30 minutes
 8 long. It contains a partial interview of the alleged victim, two
 9 interviews of the defendant, and three conferences between
 10 officers. The conferences between the officers are inadmissible
 11 hearsay. The People request a proffer of proof for specific
 12 hearsay exceptions prior to the defendant being allowed to enter a
 13 portion of the tape.

14 **3. Motion to Exclude United States Constitutional**

15 **Second Amendment Right to Possess Specified Firearm in Count 1 of**
 16 **the Information:** That the defendant be prohibited in viore dire,
 17 opening, direct, cross-examination, and closing to argue to the
 18 jury that he has a U.S. Constitutional Second Amendment right to
 19 possess a sawed off shot gun and that the California statute
 20 alleged in Count 1 is unconstitutional. This is a legal issue to
 21 be decided by the Court. Only factual issues are to be decided by
 22 the Jury. (People v. Ivey (1874) 49 Cal. 56.) This is an open
 23 invitation to the jury to engage in what is often referred to as
 24 "jury nullification," a process which is legally prohibited in
 25 California . (People v. Engelman (2002) 28 Cal.4th 436, People v.
 26 Estrada (2006) 141 Cal.App.4th 408, People v. Merced (2001) 94
 27 Cal.App.4th 1024.)

28 //

1 4. **Motion to Exclude Criminal History, Driver's License**
2 **History, and Civil Court History of Victim Patrick Geraghty:** That
3 the defendant be precluded from introducing any evidence of
4 Mr. Geraghty's civil, criminal, or driving record. Defendant
5 proffered discovery of Mr. Geraghty's driver's license history.
6 This information is not relevant to this case and barred under
7 Evidence Code Sections 350 and 1200.

8 The People further move to exclude any allegations
9 involving a civil actions, Marin County Superior Court case numbers
10 CIV033357 and CIV149762, involving domestic violence. The People
11 are not in possession of any police reports or charges involving
12 domestic violence against Mr. Geraghty. There are no convictions
13 involving domestic violence on the Mr. Geraghty's CII rap sheet.
14 There is no foundation to support such allegations under People v.
15 Castro (1985) 38 Cal.3d 301, and People v. Wheeler (1992) 4 Cal.4th
16 284. The People are unaware of any specific facts involving these
17 cases.

18 The People further move to exclude any other civil cases
19 involving Mr. Geraghty proffered by the defendant that does not
20 specifically involve the incidents charged in the information.
21 Mr. Geraghty is the defendant in several personal injury automobile
22 civil cases. Unless the defendant can make a proffer of proof of
23 how these are relevant, the People object to any introduction of
24 these cases.

25 The People move to exclude any reference to
26 Mr. Geraghty's 1986 Sonoma County driving under the influence case,
27 number MCR59180. Driving under the influence is not a crime of
28 moral turpitude and therefore People v. Castro (1985) 38 Cal.3d

1 301, and People vWheeler (1992) 4 Cal.4th 284, do not apply to its
2 admission to impeach the witness on his credibility. Under
3 Evidence Code Section 352, such admission is highly prejudicial to
4 the People and irrelevant since it does not go to the witness'
5 credibility. The People further move to exclude the fact that
6 Mr. Geraghty had an unspecified criminal case in Marin County's
7 docket system. The People are unaware of any crimes involving
8 moral turpitude or of any crimes committed by Mr. Geraghty that are
9 similar to the charges in this case.

10 **5. Motion to Exclude Testimony of Defense Witness Scott**

11 **Aiken:** That the defense be precluded from introducing evidence
12 from witness Aiken that he is the defendant's neighbor and could
13 not park his car in his assigned spot because victim Patrick
14 Geraghty parked in his spot. The defendant proffered this
15 statement by Mr. Aiken in a letter. Such evidence is not relevant
16 to these proceedings and does not address any issue of fact that is
17 before the jury. The People move to exclude it under Evidence Code
18 Sections 350 and 352.

19 **6. Motion to Exclude Defense witness Gabriella Ricci:**

20 That the defendant be precluded from introducing evidence from
21 witness Gabriella Ricci. Defendant proffered a letter from
22 Ms. Ricci to the People. Ms. Ricci states in the letter that she
23 is the owner of the apartment building where defendant lives.
24 Ms. Ricci offers character evidence on behalf of the defendant that
25 he is a quiet tenant and has never harassed any other tenants.
26 Should the Court allow such character evidence for defendant's
27 peacefulness, the People move to admit in cross-examination whether
28 Ms. Ricci's opinion would be different if she knew of the weapons

1 located in defendant's apartment and if she knew that on April 9,
2 1987, the defendant was convicted of violating Penal Code Section
3 594(a), vandalism, in Marin County Superior Court case number
4 C8703544; and on December 16, 1988, defendant was convicted of
5 violating Penal Code Section 242, battery, in Los Angeles Municipal
6 Court case number 88R46999.

7 The People further move to exclude any statements from
8 Ms. Ricci regarding complaints of tenants about Mr. Geraghty's use
9 of the common facilities and parking lot. Such information is not
10 relevant and inadmissible hearsay. (Evid. Code §§350, 1200.)

11 The People move to exclude allegations by Ms. Ricci that
12 tenant Debra Arndt complained to her that Mr. Geraghty harassed her
13 by ridiculing her and calling her names. Ms. Arndt is handicapped.
14 Shouting was also reported by other tenants. Such testimony from
15 Ms. Ricci is inadmissible hearsay and lacks foundation. (Evid.
16 Code §1200.)

17 **7. Motion to Exclude Testimony of Dorris Eggerding:**

18 That the defendant be precluded from introducing evidence from
19 witness Dorris Eggerding. According to a letter proffered by the
20 defendant from Mr. Eggerding, Mr. Eggerding is making a proffer of
21 character evidence that defendant is concerned for the safety of
22 the tenants and reports any small trip hazards to the owners.
23 Defendant is described as a quiet and friendly neighbor. Defendant
24 is described as having a good relationship with the owners.
25 Mr. Eggerding further states that he often drives defendant to some
26 close areas because he does not have a vehicle. This particular
27 statement is not relevant and may cause the jury to have sympathy
28 for the defendant and prejudice the People.

1 The People respectfully submit that character evidence
2 may be admissible to rebut the charge in Count 4. The People ask
3 the Court to limit the amount of character evidence. Should the
4 Court allow such character evidence for defendant's peacefulness,
5 the People move to admit in cross-examination whether Mr.
6 Eggerding, regarding whether his opinion, would be different if he
7 knew of the weapons located in defendant's apartment in this case
8 and if he knew that on April 9, 1987, defendant was convicted of
9 violating Penal Code Section 594(a), vandalism, in Marin County
10 Superior Court case number C8703544, and on December 16, 1988,
11 defendant was convicted of violating Penal Code Section 242,
12 battery, in Los Angeles Municipal Court case number 88R46999. This
13 is highly relevant to cross-examine the witness on his belief and
14 reputation evidence as to defendant's peacefulness.

15 **8. The People Move For a Proffer of Proof or 402**
16 **Hearing as to the Testimony of Proffered Defense Witnesses Robert**
17 **Gorman and Steven Mann:** That the Court make an inquiry as to the
18 relevancy of any testimony by these named witnesses. The People
19 have not received any statements from these witnesses and they are
20 not listed in any of the police reports. The People are unaware of
21 how these witnesses are relevant to this trial. The People note
22 that witness Gabriella Ricci appears to offer character evidence.
23 The People object to multiple character witnesses under Evidence
24 Code Section 352.

25 **9. Motion to Exclude Defendant's Proffered Photographs:**
26 That the defendant be precluded from introducing two photographs of
27 a parking lot depicting the parking of Mr. Geraghty at two
28 different locations. Defendant has handwritten notes on each

1 photograph that is inadmissible hearsay. (Evid. Code §1200.) The
2 People further request a proffer of proof for relevancy as these
3 photographs do not appear to be related to the charges and incident
4 in this case.

5 Dated this 16th day of January, 2009.

6 Respectfully submitted,

7 EDWARD S. BERBERIAN
8 DISTRICT ATTORNEY

9 
10

11 _____
12 NICOLE M. PANTALEO
13 Deputy District Attorney
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Paul's Kids 2005

[President George Bush & Little Boys \(click here\)](#)

[President George Bush & Pedophilia \(click here\)](#)

Paul's Kids

GENOCIDE

George Bush &
Pedophilia & FBI &
Police

Skull & Bones
BOHEMIAN GROVE
& MOLECH

Contact

CALIFORNIA
Legislatures
INFORMED & Auto
Response

Attorney & Media
Response

CONGRESS
INFORMED & Auto
Response

DONATIONS

FBI Report America's
Satanic Cults

The Printed
Dictatorship

Food Poisoning

Children Photos 1

Children Photos 2

Comparing The Boys

Comparing The Girls

Comparing My
Children To Other
Peoples Children

News Article JUDGE'S
MEMORIAL DAY
PARTIES

More Child Abuse
From Marin County
Judges

MADONNA

Paul's Kids

By Paul Barrier © 2005

A Real Ongoing Story

Absolutely horrific, ongoing Genocide. Millions of people directly involved and the most responsible are the American citizens working in law enforcement because it was their job to end this but they did everything to keep it going.

Infowars dot com & Alex Jones

The whole story from here. They wanted my sperm to create children for the satanic murders. Check out infowars dot com and the Bohemian Grove. Alex Jones tells us that the Bohemian Grove is a private club of people who celebrate yearly the practice of tossing a child into a pit of fire. *Celebrating* the crime of child murder!

Every July, World leaders American presidents, governors, state and federal senators, and family members of the largest companies in america get together in Northern California to celebrate child murder.

Jones attended one of these annual celebrations by sneaking in. The gathering goes on for the entire month, he was only there a few hours, long enough to *videotape* the celebration they call "the cremation of care ceremony." A big ceremony that World leaders, United States Presidents, Senators, Governors, entertainers, and the owners of all the major companies on planet Earth, have to celebrate child murder!

Jones called the event "a satanic pep rally."

On A San Francisco Radio Talk Show

I was fortunate enough to record parts of the March 11th 2004 Coast To Coast AM Radio talk show that Alex Jones appeared on. Jones claims the FBI, Secret Service, CHP, local sheriffs and city police *protect* these satanic pep rallies keeping the general public out.

Initially he said he did not believe the highest members of our government were doing this. He heard rumors that occult stuff was

CICCONE

There's More

The Legal Issues

Open Letter To
California Governor &
United States President

going on at the Bohemian Grove's annual gathering but didn't believe it. He was challenged by the British news media to sneak in and record it; the adventure is on his website. Jones said the reason these people have this is to "not have a conscious." They do this *by celebrating* the murder of a child by tossing it into a pit of fire.

My Situation

I didn't know about the bohemian grove until I heard the radio program. I always suspected that the local people employed in law enforcement were involved in the satanic murders of my children, and children in general because of what they have done. They aren't stupid. Just cocky. They get to associate with the members of the bohemian grove and they were told to ignore my reports of genocide. To ignore the evidence.

Look at the photographs of the children I am claiming to be mine!

Ignoring the near identical appearance of the children is not a natural reaction, it's a fabricated excuse. Under normal circumstances you wouldn't expect a citizen employed in law enforcement to react they way these animals have. This photographic evidence is evidentiary weight supporting the creation of hundreds of children from the same sperm.

1994 was the first time I suspected my sperm was being used to create children. In 1996 I became convinced and since then I have continuously tried to get the citizens employed in law enforcement to do their job and put an end to the genocide of my children. California Penal Code 367(g) makes it a felony to use a man's sperm without his consent or knowledge. There are several other laws being broken. Genocide, child abuse, premeditated murder, torture, child selling, child trafficking, racketeering influenced crime organization or R.I.C.O. to name a few. I've sued, written letters and personally met with many different police departments and FBI concerning the genocide of my children. State senators, federal senators, were contacted, state attorney generals, and California governors and all of them have ignored my reports of genocide.

The only other thing I know about that they also have in common is they all attend the "cremation of care ceremony" in Sonoma County California. Along with the President of the United States, World leaders, entertainers, and United States Attorney generals, to celebrate Child Murder.

From what I understand, all of the people employed in the highest offices of law enforcement in the San Francisco Bay Area (Chief's of Police, Judges, District Attorneys, Mayors, City Council members) attend the July satanic celebration.

Contra Costa County, Alameda County, Marin County, Sonoma County, San Francisco County, Napa County, Solano County, San Mateo County, Santa Clara County, Santa Cruz County, Lake County, Yolo County, and Sacramento County, ALL THESE PEOPLE every year celebrating child murder.

Now you know why the courts are the way they are, the wealthy receiving special treatment.

Marin County Judges

In 1999 I filed a paternity suit against Madonna Ciccone, one of the women in entertainment that used my sperm. The judge assigned to the case was the subject of controversy on behalf of other county residents who claimed he was ignoring child abuse reports and granting custody to the wealthier parent despite child abuse allegations. This didn't come out in the newspapers until after he dismissed my suit.

Madonna's attorney argued that she wasn't properly served although her attorney was in court and filed a motion to dismiss the complaint along with a judicial notice. Anyone who knows a little about service of a complaint and the supporting case law will agree that California courts have said; if the attorney responds to the initial complaint, service was proper. But this Marin County co-conspirator judge tried to play blind man's bluff and granted the motion to dismiss on the issue of service. Then he shows his dumb ass again by issuing an order to the clerks not to accept any more pro se complaints from me. Another illegal act but common amongst pro se litigants nationwide in state and federal courts.

The newspaper article on this guy also mentioned his controversial Memorial Day weekend parties at his ranch. He was favoring the attorneys who attended his annual *sleep over parties* at his (place) property. According to the newspaper article about him these parties included heavy alcohol consumption, nakedness, and wild behavior. Wild was left to us to understand, it means not domesticated or tamed living in a primitive *or* savage way.

After he was removed from the Family law bench, his replacements did the same thing he was doing. And his favorite attorney (as stated in the newspaper article) has now become a judge.

Since The 1800's

According to Jones, the Sonoma County property where the bohemian grove has its annual celebration of child murder (as called by Jones their "satanic pep rally") was originally purchased by some local judges and newspaper people in the 1800's. Well guess what? It turns out that this Marin County judge (still working as a judge) is a descendant of

another Marin County judge (his grandfather) who was on the bench in the 1800's around the time the bohemian grove site in Sonoma County began to be used for these annual satanic pep rallies.

Quoting Jones from the radio program, he said; "the property was originally purchased by some local judges and newspaper people" in the 1800's.

The nexus between satanic parties on Memorial Day weekend at the Marin County judge's property and the bohemian groves satanic party in July is to close. According to Jones there are over 1200 members of the bohemian grove. Over 1200 members of this satanic cult. Jones also stated that *many local residents work as servants* during the July celebration of child murder. Jones said there were thousands of people there.

Thousands of people celebrating child murder, perhaps the *biggest satanic party in the World* an annual event that takes place *every year* in northern California.

Amazon Dot Com

Go to amazon dot com and type in Satanist or Satanism. Check out those books written by survivors of satanic cults who also declare seeing the mayor, the chief of police, a judge, the district attorneys, murdering children. The murders taking place in a satanic celebration. All of those books mention these same people in these same jobs across the entire nation. Always the same American citizens in these same jobs over and over again being accused of being Satanist who murder children. Who is going to arrest them? They aren't going to arrest themselves.

These people are mocking the rest of us.

All of us American citizens *not* employed in law enforcement. It is their ultimate defiance. The citizens employed in law enforcement openly celebrating Satanism, and then in July protecting their superiors from the general public as they have a huge satanic celebration. Certainly there are many people involved in satanic murders who do *not work in law enforcement*, but the citizens who do and admit to being Satanist need to be immediately arrested and prosecuted! They are admitting to it! We have a confession.

FBI Report America's Satanic Cults

The FBI report on America's satanic cults describes how these cults operate and what they do to children. Abusing them so that the children are scared to tell others, and they include people in the other professions that work with children. School teachers, doctors, child abuse caseworkers, are also brought into these satanic cults to show

the children that they really have no where to go.

The report also mentions *generational cults*, families of Satanist that go back decades or even hundreds of years of Satanism, and of course, child murders.

Back to Jones

According to Jones many members of the bohemian grove are blood relatives and Jones himself called them generational Satanist. Jones stated that federal senator John Kerry (who ran as the democratic candidate for U.S. President in 2004) and current U. S. President George Bush II are like 3rd or 16th cousins depending on which news reports you read, and that the 2004 presidential election wasn't a real election. Jones said that all of the last few Presidents are also members of the bohemian grove as well as the vice-presidents, who also attend the July Satanic party.

Over One Hundred Years

According to Jones the American citizens who make up the bohemian grove and skull and bones have *controlled every governmental office* for the last one hundred years.

Jones said skull and bones was *founded* in the 1800's to overthrow the Constitution (because there was no one to protect it) and run the lives of the rest of the people living in the United States *at* the time, and since then.

Founded to overthrow the Constitution! Way back when, in the 1800's. Is this why California and every other state in this country has a problem with family law judges? Because the courts are made of descendants of skull and bones and the bohemian grove? It explains the practice of dismissing (99 % of) pro se complaints on the defendants motion to dismiss. The entire American judiciary or 98% of them are from a select group of American families, the ones with millions of dollars in the 1800's who are now bragging on the Internet about their existence and the dictatorship they have over us.

They Succeeded

Let's face it, they succeeded in overthrowing the Constitution of the United States and they have owned every single election since the take over. They make the voting machines and always have. It seems like they preprogram the machines ahead of time, the evening prior to Election Day, since the standard procedure is for the county elections people to run a test the day before the election and then leave the machine plugged into the telephone line. The voting machines are made to download the winners that night and the percentage by which

their candidate will win.

I discovered this during one of the elections. Check out the Printed Dictatorship page.

They must keep the same wining margin from about ten votes forward, because they don't know how many people will turn out. I am sure that in bigger districts the turn on switch is probably over 100 votes. But what ever it is they have to print something in the morning paper on Wednesdays which goes to print prior to the final numbers being in and this is what gives them away. This is why Wednesday's newspaper numbers are identical to Thursday's final numbers despite the differences in precincts reporting. It doesn't matter how many precincts report, the winner is selected ahead of time. The state referendums, the school board of education, the commissions, the judiciary, and every other governmental job we the people were suppose to be voting for is decided by them ahead of time.

The American Dictatorship

The dictatorship we are living under is the most savage dictatorship ever. They tell us who they are and what they are doing, admitting to being Satanist who murder children. They tell us we are free, but then tell us on the Internet (*Wikipedia article; Bohemian grove*) that we are under their satanic dictatorship.

So Simple

It's a game. Their families against our family. All of the families in law enforcement against the rest of us. You've heard about it, people who are cops come from cop families, Senators come from former Senators and judges come from families with judges. Just like the Marin County judge who likes to have *wild* Memorial Day weekend sleep over parties.

Proving The Obvious

Just look at the photos of my children on this Website. Children Photo's 1 and 2. These children look identical because they share genetics. Just like the statement "you have your dad's eyes." We make these types of statements because we can actually see genetic replication. But what about the replication we don't see? The internal organs, the bones, these body parts also come from genetic replication of the biological parents. This is where the "feeling" of one's child comes from. Our biological child is a harmonic of oneself. We just don't look at it like this, and we use general terms like "the parent child bond" to describe the *feeling* we get from our children. An electromagnetic feeling attributed to a biological harmonic.

Back to Jones again

You should get a recording of the March 11th 2004 Coast To Coast AM Radio program with guest Alex Jones. A great show about the bohemian grove, the American (Satanist) Citizens who own *all* of the television and radio stations, newspapers, state and federal courts, state and federal district attorneys, police and all branches of the military.

The Photographs

The photographs you see do not lie. All those children on Children Photo's 1 and 2 are mine; all except one came from my stolen sperm.

Celebrity Children

I told you I have a kid with Madonna Ciccone, one of many women associated with the entertainment industry who is involved. I would say I have over 100 kids with celebrities and their family members, sisters, cousins, etc. These children exist because their mothers wanted to save one from being murdered. They did not escape the abuse the FBI report on Satanism speaks of.

Your Help

Often times when the general public is informed about a personal tragedy they offer financial assistance. This is what I need. I have contacted over 500 attorneys and not a single one wants the case pro bono. Some have insulted me responding to my emails or telephone calls with sarcastic remarks, and some have said they Would take the case if I could pay their hourly fee.

That is the purpose of this website, to INFORM YOU of what is going on and HOW YOU CAN HELP. You can make a financial donation at the address below.

Financial Donations can be made at:

Paul Barrier's Kids

1001 Eighth Street

Novato, California 94945 USA

Or, Worldwide at any CitiBank.

Account # 1880017817

Routing # 321171184

Please let me know if you make a bank deposit. Donations of

\$150.00 or more will receive a copy of *So Why Did Monday Feel Like A Monday.* By Paul Barrier

Email: paulskids2@ yahoo.com

The Internet and the March 11th 2004 guest on Coast To Coast AM radio, Alex Jones, is without a doubt audio, visual, and written proof that the American citizens employed in law enforcement are Satanist. Psychopaths who frequently murder children and they are united to enslave the rest of the population, stripping away out natural and constitutional rights by force.

We have no choice but to take them down. *Because every Federal Judge* in the country was appointed by a member of the bohemian grove!

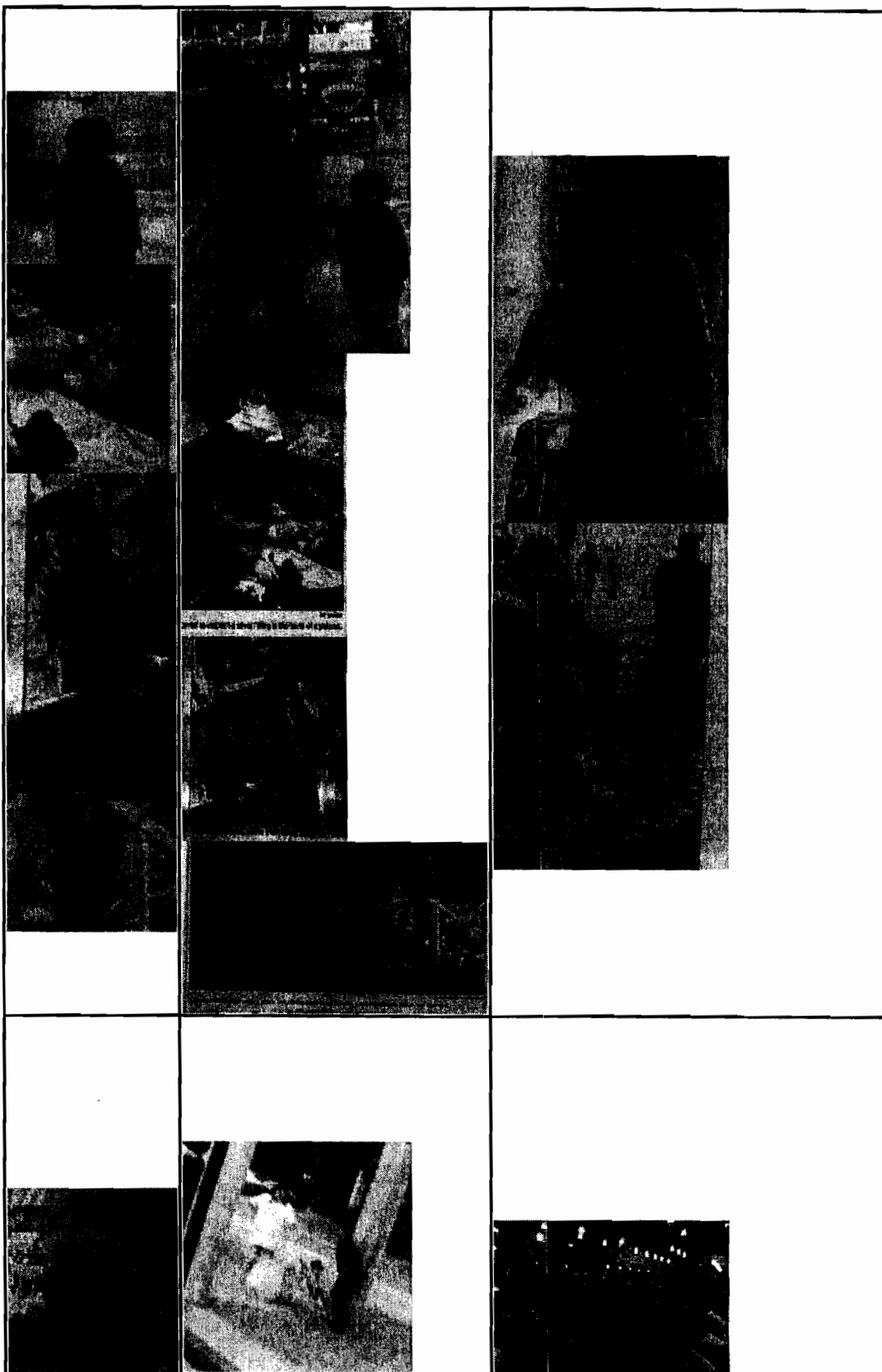
Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagon, George Bush, Bill Clinton, & George Bush Jr., are/were all members of this - private san francisco club - the bohemian grove.

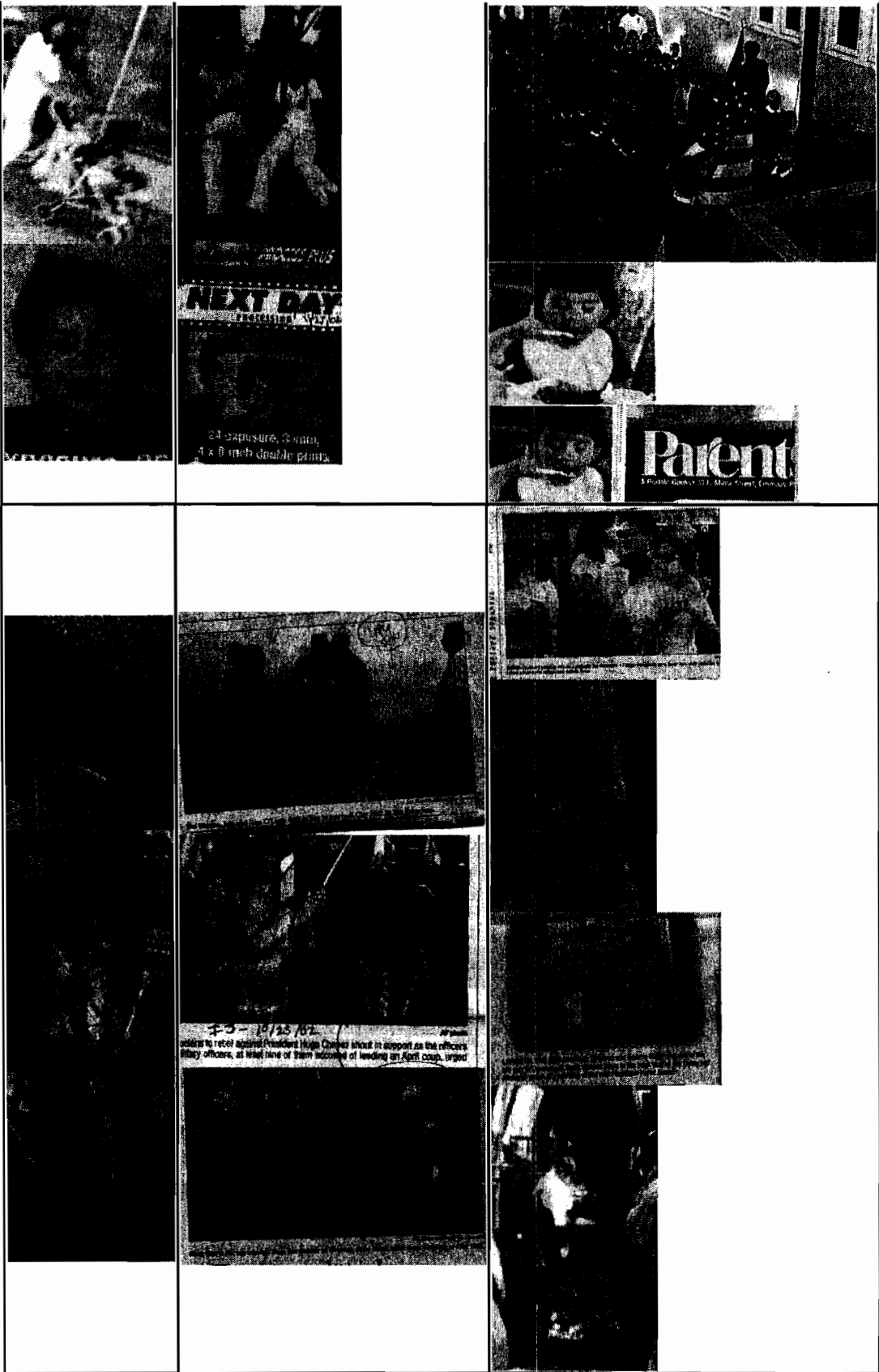
So this so called - private San Francisco club - is responsible for appointing every federal judge in the nation!

Every federal judge!

Paul's Kids 2005

Children Photos 2

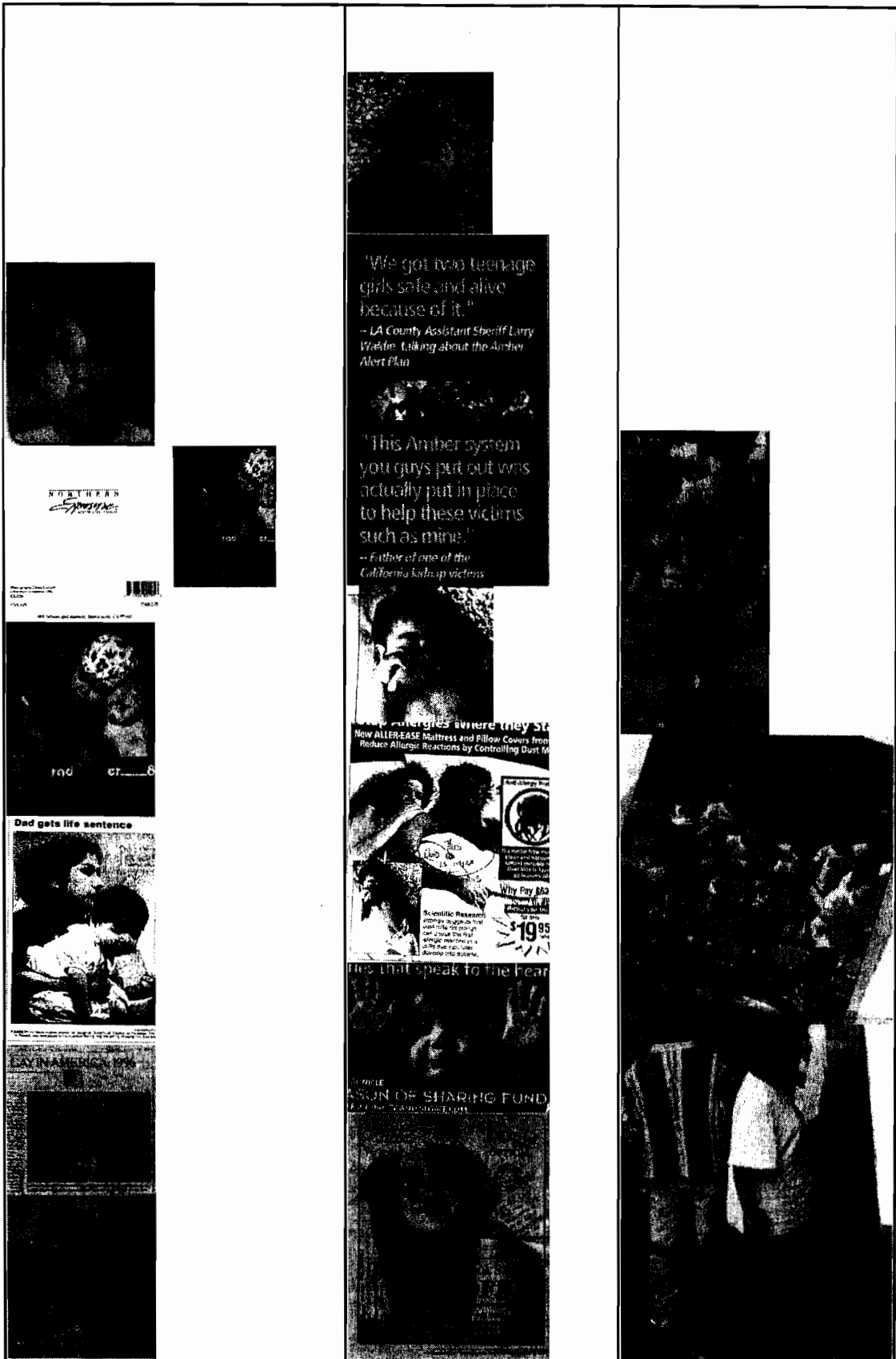
[Paul's Kids](#)[GENOCIDE](#)[George Bush &
Pedophilia & FBI &
Police](#)[Skull & Bones
BOHEMIAN GROVE
& MOLECH](#)[Contact](#)[CALIFORNIA
Legislatures
INFORMED & Auto
Response](#)[Attorney & Media
Response](#)[CONGRESS
INFORMED & Auto
Response](#)[DONATIONS](#)[FBI Report America's
Satanic Cults](#)[The Printed
Dictatorship](#)[Food Poisoning](#)[Children Photos 1](#)[Children Photos 2](#)[Comparing The Boys](#)[Comparing The Girls](#)[Comparing My
Children To Other
Peoples Children](#)[News Article JUDGE'S
MEMORIAL DAY
PARTIES](#)[More Child Abuse
From Marin County
Judges](#)[MADONNA
CICCONE](#)[There's More](#)[The Legal Issues](#)[Open Letter To
California Governor &
United States President](#)



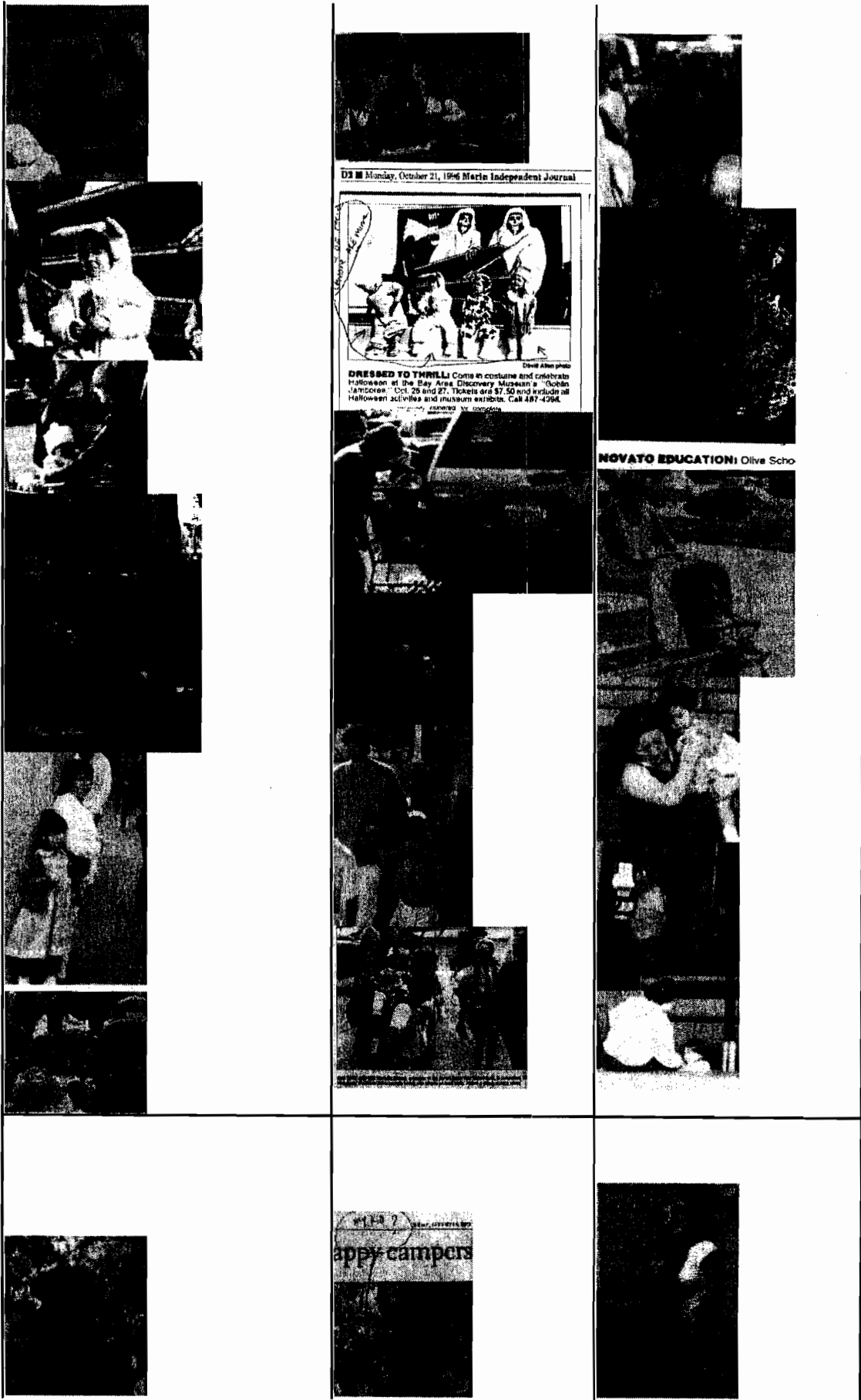
Paul's Kids 2005

Children Photos 1

Paul's Kids
 GENOCIDE
 George Bush &
 Pedophilia & FBI &
 Police
 Skull & Bones
 BOHEMIAN GROVE
 & MOLECH
 Contact
 CALIFORNIA
 Legislatures
 INFORMED & Auto
 Response
 Attorney & Media
 Response
 CONGRESS
 INFORMED & Auto
 Response
 DONATIONS
 FBI Report America's
 Satanic Cults
 The Printed
 Dictatorship
 Food Poisoning
 Children Photos 1
 Children Photos 2
 Comparing The Boys
 Comparing The Girls
 Comparing My
 Children To Other
 Peoples Children
 News Article JUDGE'S
 MEMORIAL DAY
 PARTIES
 More Child Abuse
 From Marin County
 Judges
 MADONNA
 CICCONE
 There's More
 The Legal Issues
 Open Letter To
 California Governor &
 United States President









could premise claims against prison guards and inmates.
 Risley v. Hawk, D.D.C.1996, 918 F.Supp. 18.

Statutes making it a crime to conspire to violate constitutional or statutory rights, to will-

S. v. Ellis, C.A.3 (Pa.) 1979, 595 F.2d 154, certiorari denied 100 S.Ct. 75, 444 U.S. 838, 62 L.Ed.2d 49.

§ 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to

258

CRIMES AND CRIMINAL PROCEDURE

18 U.S.C.A.
 242

18 § 242

the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(As amended Nov. 18, 1988, Pub.L. 100-690, Title VII, § 7019, 102 Stat. 4396; Sept. 13, 1994, Pub.L. 103-322, Title VI, § 60006(b), Title XXXII, §§ 320103(b), 320201(b), Title XXXIII, § 330016(1)(H), 108 Stat. 1970, 2109, 2113, 2147; Oct. 11, 1996, Pub.L. 104-294, Title VI, §§ 604(b)(14)(B), 607(a), 110 Stat. 3507, 3511.)

Chapter	Section
136. Violent Crime Control and Law Enforcement	13701
137. Management of Rechargeable Batteries and Batteries Containing Mercury	14301

C.A.

CHAPTER 21—CIVIL RIGHTS

SUBCHAPTER I—GENERALLY

§ 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(As amended Pub.L. 104-317, Title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. Senate Report No. 104-366, see 1996 U.S. Code Cong. and Adm. News, p. 4202.

LIBRARY REFERENCES

Administrative Law

Interference with civil rights—

Private individuals, see West's Federal

Practice Manual § 14141 et seq.

Court of Appeals for the District of Columbia

Circuit—illustration of appellant's brief in dis-

crimination case, see West's Federal Forms

§ 935.

CRIMINALS 14

ing information shall

ject that is deemed

subject, as reflected by

50) (ch 494 prevails), ch 593

44 provides:
his act shall become opera-
nd only if funds are appro-
tment of Justice in the
or the purposes described

e to local law enforce-
ls who are armed and

rtment of Justice in the
or the purposes described

Weapons

er 29, 1993.]

t for using or being armed
rm or other deadly weapon
unishment for furnishing
another
unishment for use of fire-
hinegun or assault weapon
sion or attempted commis-
ony or controlled substance
rearm deemed a nuisance
nhancements for persons
of specified felonies who use
imits on credits on terms
unishment for discharging
om vehicle
uary 1, 2018) Taking, dam-
troying property in commis-
attempted commission of
ditional term
inflicted during commission
ot having bodily harm as an

nt for administration of con-
ubstance against victim's
ication to specified offenses

15

CONTROL OF DEADLY WEAPONS

§ 12020

Section
12022.8. Enhancement where person inflicts great
bodily harm, or sodomy or oral copu-
lation by certain means
12022.85. Sentence enhancement for specified vio-
lations; Prosecutor's use of test re-
sults
12022.9. Sentence enhancement where injury re-
sults in termination of pregnancy
12022.95. Enhancement for causing great bodily
harm or death of child
12023. Armed criminal action; Punishment
12024. Possession of deadly weapon with intent to
commit assault
12025. Carrying concealed firearm; Misdemeanor
or felony offense; Sentencing
12025.5. Justification for carrying concealed or
loaded firearm
12026. Carrying firearms without license at place
of residence, business, or lawfully
possessed private property
12026.1. Firearm in trunk of motor vehicle or in
locked container
12026.2. Inapplicability of prohibition against car-
rying concealed firearms in specified
circumstances
12027. Persons excepted from prohibition against
carrying concealed firearm

Section
12027.1. Revocation or denial of privilege to carry
concealed firearm
12028. Nuisances; Disposition of weapons
12028.5. Authority of peace officer to take tempo-
rary custody of firearm at scene of
domestic violence
12028.7. Receipt for firearm taken into custody
12029. Weapons constituting nuisances; Confisca-
tion and destruction
12030. Alternatives to destruction of firearms
12031. Felony or misdemeanor of carrying loaded
firearm in public place or on public
street; Exceptions
12031.1. Emergency signaling devices
12031.5. [Repealed]
12032. Disposition of surplus firearms in posses-
sion of officer of state or local agency
12033. Firearms and arrest training course; Cer-
tificate of completion
12034. Driver or owner of vehicle permitting an-
other to bring into or discharge fire-
arm in vehicle
12035. Criminal storage of a firearm
12036. Child access to firearms
12037, 12038. [No sections of these numbers]
12039. Report on types of firearms used in com-
mission of crimes
12040. Criminal possession of firearm while wear-
ing mask; Penalty

Cross References:

Possessing weapon with intent to dissuade wit-
ness: Pen C § 136.5.

Possession of weapon in courtroom: Pen C
§ 171b.

Collateral References:

Cal Jur 3d (Rev) Courts §§ 12, 217; Criminal
Law §§ 35, 113, 479, 550, 621, 1206, 1296, 1593,
1595, 1615 et seq., 1694, 2231, 2492, 2543, 2552,
2760, 2854, 3247, 3260, 3335, 3360 et seq., 3384,
3401, 3597, 3773; Delinquent and Dependent Chil-
dren §§ 51, 131.

Calif Criminal Law Procedure and Practice
(CEB, 1986) §§ 3.41, 10.27, 10.30, 22.25, 24.27,
27.3, 33.26, 33.29, 33.40, 35.11 et seq., 35.16, 35.19,
36.30, 37.7, 37.31 et seq., 39.29 et seq., 44.26.

California Judges Benchguide S216: Mandatory
criminal jury instructions (5th Ed, 1989). Cal Cen-
ter Jud Edu & Research J Special Issue No. 11.

Attorney General's Opinions:

A California city does not have the legislative
authority to prohibit the possession of operative
handguns within the city even if law enforcement
officers are excluded from the prohibition. Charter
cities as well as general law cities are subject to
general state laws governing the possession of
firearms and the implied preemption of that field of
legislation by the California Legislature. 65 Ops.
Cal. Atty. Gen. 457.

The Chief of the California State Police Division
does not have the authority to prohibit or allow
security officers of that division to carry concealed
firearms while off duty. 65 Ops. Cal. Atty. Gen. 527.

§ 12020. Manufacture, importation, sale, possession; Exceptions

(a) Any person in this state who does any of the following is punishable by
imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for
sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or
wallet gun, any undetectable firearm, any firearm which is not immediately
recognizable as a firearm, any camouflaging firearm container, any ammunition
which contains or consists of any fléchette dart, any bullet containing or carrying an
explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku,
any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt
buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol,
any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any
writing pen knife, any metal military practice handgrenade or metal replica
handgrenade, or any instrument or weapon of the kind commonly known as a
blackjack, slungshot, billy, sandclub, sap, or sandbag.

(2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine.

(3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any dirk or dagger.

However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties and the peace officer has completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

(2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

(3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.

(4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(6) Tracer ammunition manufactured for use in shotguns.

(7) Any firearm or ammunition that is a curio or relic as defined in Section 478.11 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) Any other weapon as defined in subsection (e) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one

year, but actual possession pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing weapons by sale, gift, or other disposition is in violation of subdivision (a) and shall apply to pen guns.

(9) Instruments of historical societies, public, provided that the instrument is not from unauthorized persons.

(10) Instruments of short-barreled rifles, that are not used for television, or video production, or therein in the course of employment of an employee or agent of the state.

(11) Instruments of short-barreled rifles, that are sold or imported by, or lent to, peace officers or devices listed in subdivision (a) and (10) when engaged in the course of their duties.

(12) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by peace officers or devices listed in subdivision (a) and (10) when engaged in the course of their duties.

(13) Weapons, devices, or short-barreled shotguns or short-barreled rifles by, possessed by, imported by, or lent to, peace officers or weapons, devices, or short-barreled shotguns or short-barreled rifles referred to in paragraph (12).

(14) The manufacture or landing of wooden guards authorized to entities that are in the possession of officers and uniform persons.

(15) Any plastic or metal replica handgrenade filled with a permanent explosive in a manner that prevents its use.

(16) Any instrument that is not a firearm that is in the possession of a person.

(A) The person is prohibited by Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing the instrument.

(B) The person is prohibited by Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing the instrument longer than was necessary for that agency for that agency.

(C) If the person is prohibited by Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing the instrument listed item to a law enforcement agency.

(17) Any firearm, device, or short-barreled shotgun or short-barreled rifle is found and possessed by a person.

(A) The person is prohibited by Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing the instrument.

(B) The person is prohibited by Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from transporting the same instrument according to law.

ARTICLE III

State of California

[Adopted November 7, 1972. Former Article III, entitled "Separation of Powers", consisting of § 1, was adopted November 8, 1966 and repealed November 7, 1972. Former Article III, entitled "Distribution of Powers", consisting of § 1, was adopted May 7, 1879 and repealed November 8, 1966.]

Section

1. Supremacy of federal constitution
2. State boundaries and capital
3. Separation of powers
- 3.5. Limitation on powers of administrative agencies
4. Salaries of elected officers
5. Suits against state
6. Official language
7. Elective officers' retirement allowances
8. California Citizens Compensation Commission

§ 1. Supremacy of federal constitution

The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.

Adopted November 7, 1972.

Former Sections:

Former Art III § 1, similar to present Const Art III § 3, was adopted November 8, 1966 and repealed November 7, 1972.

Former Art III § 1, similar to present Const Art III § 3, was adopted May 7, 1879 and repealed November 8, 1966.

Historical Derivation:

Former Const Art I § 3, as adopted May 7, 1879.

Cross References:

State jurisdiction subject to federal jurisdiction over certain lands: Gov C § 111.

Collateral References:

Witkin Summary (9th ed) Constitutional Law §§ 7 et seq.

Cal Jur 3d (Rev) Constitutional Law §§ 6, 85; Courts § 22.

Am Jur 2d (Rev) Constitutional Law §§ 51 et seq.

Federal Constitution, laws, and treaties as the Supreme Law of the Land: US Constitution Art VI § 2.

State jurisdiction over offenses committed in Indian country: 18 USCS § 1162.

1638

THE CONSTITUTION OF THE UNITED STATES

PREAMBLE

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. [1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[2] No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. [1] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

[2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the Second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[3] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

1639

[4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[5] The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Section 4. [1] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

[2] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. [1] Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

[3] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[4] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. [1] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

[2] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. [1] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[2] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to the House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each

House re
excepted
signed it
Law.

[3]
Represent
President
disapprov
according

Section
Excises, t
but all D

[2] T

[3] T
Tribes;

[4] T
cies throu

[5] T
and Meas

[6] T
States;

[7] T

[8] T
and Inven

[9] T

[10] T
the Law of

[11] T
Land and

[12] T
Term than

[13] T

[14] T

[15] T
tions and r

[16] T
them as m
Appointme
prescribed

[17] T
Miles squar
the Govern
Consent of
Arsenals, d

1640

1641

UNITED STATES CONSTITUTION

House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return in which Case it shall not be a Law.

[3] Every Order, Resolution, or Vote, to Which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. [1] The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

[2] To borrow money on the credit of the United States;

[3] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

[4] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[5] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

[6] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

[7] To Establish Post Offices and Post Roads;

[8] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

[9] To constitute Tribunals inferior to the supreme Court;

[10] To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

[11] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

[12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

[13] To provide and maintain a Navy;

[14] To make Rules for the Government and Regulation of the land and naval Forces;

[15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. [1] The Migration or Importation of Such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2] The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[4] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5] No Tax or Duty shall be laid on Articles exported from any State.

[6] No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State be obliged to enter, clear, or pay Duties in another.

[7] No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[8] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. [1] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[2] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

[3] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

[2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[3] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives,

open
of Vol
and if
House
have
Presid
each S
thirds
the Ch
Vice P
from tl

[4]
give th

[5]
Adoptic
eligible
Years a

[6]
discharg
Congres
Presider
act acco

[7]
neither b
not recei

[8]
"I do sole
and will

Secti
States, ar
he may r
upon any
Reprieves

[2] E
provided t
and Conse
Supreme C
provided fo
of such int
Heads of I

[3] TI
the Senate

Section
and recom
may, on ex
between th
think prope
be faithfull

1642

1643

UNITED STATES CONSTITUTION

open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greater Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

[4] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[5] No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[6] In case of the removal of the President from Office, or of his Death, Resignation or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[7] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[8] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. [1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the Executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

[2] He shall have Power, by and with the Advice and Consent of the Senate to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. [1] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under the Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

[3] The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. [1] Treason against the United States, shall consist only in levying War against them, or, in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[2] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. [1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[2] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[3] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. [1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[2] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this

Const
State.

S
Gover
of the

ARTIC

TI
ments
shall c
Purpos
States,
propos
thousa
Sector
in the

ARTICL

[1]
shall b

[2]
and all
suprem
Constit

[3]
Legislat
shall be
requirec

ARTICLE

The
Constitu

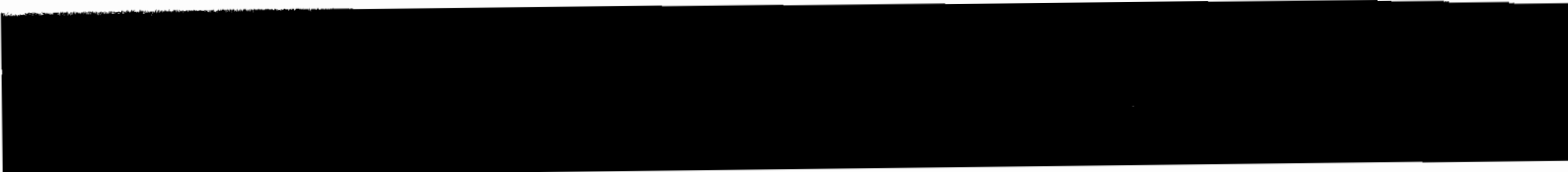
ARTICL
STA
OF
TUT

AMENDM

Cong
thereof;
assemble

AMENDM

A we
keep and



1644

1645

UNITED STATES CONSTITUTION

Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

[1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation.

[2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

AMENDMENT I [1791]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II [1791]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

UNITED STATES CONSTITUTION

1646

AMENDMENT III [1791]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV [1791]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V [1791]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI [1791]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII [1791]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII [1791]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX [1791]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X [1791]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI [1798]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

1647

AMENDME

The E
dent, one
name in tl
Vice-Presi
voted for a
and transn
Senate;—T
open all th
votes for P
appointed;
exceeding t
immediatel
the represe
or members
And if the
devolve upo
President, a
having the
majority of
highest num
consist of tv
necessary to
to that of V

AMENDMENT

Section
party shall h
jurisdiction.

Section 2

AMENDMENT

Section 1
thereof, are c
enforce any l
shall any Sta
any person w

Section 2
respective num
But when the
the United St
members of t
twenty-one ye
participation i
proportion wh
twenty-one ye

Section 3.
Vice President
having previou
member of an
Constitution of

1646

1647

UNITED STATES CONSTITUTION

AMENDMENT XII [1804]

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XIII [1865]

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV [1868]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or

UNITED STATES CONSTITUTION

1648

given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV [1870]

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XVI [1913]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII [1913]

[1] The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

[2] When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

[3] This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII [1919]

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX [1920]

[1] The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

[2] Congress shall have power to enforce this article by appropriate legislation.

1649

AME

S

Janu
which
shall

S

noon

S

shall
chose
qualif
the Co
shall l
shall l
qualifi

Se

whom
devolv
choose

Se

this ar

Sec

the Co
date of

AMEND

Sec
repeale

Sec
States f
prohibit

Sect
the Cons
from the

AMENDM

Sect
who has
some oth
this Arti
by the Co
as Presid
President

Secti
the Const
date of it

1648

1649

UNITED STATES CONSTITUTION

AMENDMENT XX [1933]

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If the President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI [1933]

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII [1951]

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII [1961]

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV [1964]

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States, or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV [1967]

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration and the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the power and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI [1971]

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

TI
given
Associ
appoin
symbo

† Source: I

310

311

CONSTITUTIONAL LIBERTY OR FREEDOM

"*Constituting instruments*" of a corporation are its charter, organic law, or the grant of powers to it.

Constituency. The inhabitants of an electoral district.

Constituent. He who gives authority to another to act for him. The term is used as a correlative to "attorney," to denote one who constitutes another his agent or invests the other with authority to act for him.

It is also used in the language of politics as a correlative to "representative," the constituents of a legislator being those whom he represents and whose interests he is to care for in public affairs; usually the electors of his district.

Constituent elements. The elements of a crime, tort or other type of action. Those matters which must be proved to sustain a cause of action because they constitute the action or crime.

Constituere /kɒnstətyúwəriy/. Lat. To appoint, constitute, establish, ordain, or undertake. Used principally in ancient powers of attorney, and now supplanted by the English word "constitute."

Constituimus /kɒnstətyúwəməs/. A Latin term, signifying *we constitute* or *appoint*.

Constituted authorities. Officers properly appointed under a constitution for the government of the people.

Constitutio /kɒnstətyúwsh(iy)ow/. In the civil law, an imperial ordinance, decree, or constitution, distinguished from *Lex*, *Senatus-Consultum*, and other kinds of law and having its effect from the sole will of the emperor. An establishment or settlement. Used of controversies settled by the parties without a trial. A sum paid according to agreement.

In old English law, an ordinance or statute. A provision of a statute.

Constitutio dotis /kɒnstətyúwsh(iy)ow dówtəs/. Establishment of dower.

Constitution. The organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers. A charter of government deriving its whole authority from the governed. The written instrument agreed upon by the people of the Union (*e.g.* United States Constitution) or of a particular state, as the absolute rule of action and decision for all departments (*i.e.* branches) and officers of the government in respect to all the points covered by it, which must control until it shall be changed by the authority which established it (*i.e.* by amendment), and in opposition to which any act or ordinance of any such department or officer is null and void. The full text of the U.S. Constitution appears at the end of this dictionary.

In a more general sense, any fundamental or important law or edict; as the Novel Constitutions of Justinian; the Constitutions of Clarendon.

Constitutional. Consistent with the constitution; authorized by the constitution; not conflicting with any provision of the constitution or fundamental law of the state. Dependent upon a constitution, or secured or regulated by a constitution; as "constitutional monarchy," "constitutional rights."

Constitutional alcalde. A person of official status under Mexican law corresponding in many respects in dignity and authority to a justice of the peace under the American system of government. *Tietzel v. Southwestern Const. Co.*, 48 N.M. 567, 154 P.2d 238, 242.

Constitutional convention. A duly constituted assembly of delegates or representatives of the people of a state or nation for the purpose of framing, revising, or amending its constitution. Art. V of U.S. Const. provides that a Constitutional Convention may be called on application of the Legislatures of two-thirds of the states.

Constitutional court. A court named or described and expressly protected by Constitution, or recognized by name or definite description in Constitution (*e.g.* Supreme Court, as provided for in Art. III, Sec. 1 of U.S. Const.) in contrast to legislatively created courts. Commonly referred to as "Article III" courts in reference to U.S. Constitution.

Constitutional freedom. Generic term to describe the basic freedoms guaranteed by the Constitution such as the First Amendment freedoms of religion, speech, press and assembly together with protection under due process clause of the 14th Amendment. *See also* Bill of rights; Constitutional liberty or freedom.

Constitutional homestead. A special interest in real estate which protects it from attachment, created by constitution and available to the head of the family. *Ringer v. Bryne*, 183 Okl. 46, 80 P.2d 212, 214.

Constitutional law. (1) That branch of the public law of a nation or state which treats of the organization, powers and frame of government, the distribution of political and governmental authorities and functions, the fundamental principles which are to regulate the relations of government and citizen, and which prescribes generally the plan and method according to which the public affairs of the nation or state are to be administered. (2) That department of the science of law which treats of constitutions, their establishment, construction, and interpretation, and of the validity of legal enactments as tested by the criterion of conformity to the fundamental law. (3) A constitutional law is one which is consonant to, and agrees with, the constitution; one which is not in violation of any provision of the constitution of the particular state.

Constitutional liberty or freedom. Such freedom as is enjoyed by the citizens of a country or state under the protection of its constitution. The aggregate of those personal, civil, and political rights of the individual

BLACKS LAW Dictionary

which are guaranteed by the constitution and secured against invasion by the government or any of its agencies. See also Bill of rights; Constitutional freedom.

Constitutional limitations. Those provisions of a constitution which restrict the legislature in the types of laws which it may enact. See e.g. Art. I, Sec. 9, U.S. Constitution.

Constitutional office. A public position or office which is created by a constitution as distinguished from a statutory office which is created by an enactment of the legislature.

Constitutional officer. A governmental official whose office was created by a constitution; as contrasted with an officer whose position has been created by the legislature. One whose tenure and term of office are fixed and defined by the constitution, as distinguished from the incumbents of offices created by the legislature.

Constitutional powers. See Power.

Constitutional protections. Those basic protections guaranteed by the Constitution such as due process, equal protection and the fundamental protections of the First Amendment, such as those touching speech, press and religion. See Bill of rights; Constitutional freedom.

Constitutional questions. Those legal issues which require an interpretation of the Constitution for their resolution as distinguished from those of a statutory nature (e.g. Fourth Amend. search and seizure issues).

Constitutional right. A right guaranteed to the citizens by the United States Constitution and state constitutions and so guaranteed as to prevent legislative interference therewith. See also Constitutional freedom; Constitutional liberty or freedom; Constitutional protections.

Constitutional tort. See Tort.

Constitutiones /kɒnstət(y)ʊwshiyówniyz/. Laws promulgated, i.e., enacted, by the Roman Emperor. They were of various kinds, namely, the following: (1) *Edicta*; (2) *decreta*; (3) *rescripta*, called also "*epistolæ*." Sometimes they were general, and intended to form a precedent for other like cases; at other times they were special, particular, or individual (*personales*), and not intended to form a precedent. The emperor had this power of irresponsible enactment by virtue of a certain *lex regia*, whereby he was made the fountain of justice and of mercy.

Constitutiones tempore posteriores potiores sunt his quæ ipsas præcesserunt /kɒnstət(y)ʊwshiyówniyz tɛmpəriy pæstiriyóriyz sánt háys kwiy ípsas præsásérant/. Later laws prevail over those which preceded them.

Constitutions of Clarendon. See Clarendon, constitutions of.

Constitutions of the Forest. See Charta (*Charta de foresta*).

Constitutor /kɒnstətyúwtər/. In the civil law, one who, by a simple agreement, becomes responsible for the payment of another's debt.

Constitutum /kɒnstət(y)úwtəm/. In the civil law, an agreement to pay a subsisting debt which exists without any stipulation, whether of the promisor or another party. It differs from a stipulation in that it must be for an existing debt.

A day appointed for any purpose. A form of appeal.

Constitutum esse eam domum unicuique nostrum debere existimari, ubi quisque sedes et tabulas haberet, suarumque rerum constitutionem fecisset /kɒnst(y)úwtəm ésiy iyəm dówməm yúwnək(yuw)áykwiy nóstrəm dábíriy əgzistáméray, yúwbay kwískwiy siydiy èt tábyələs həbírat, syúwérəmkwiy rírəm kɒnstət(y)úwshiyównəm fəsisət/. It is settled that that is to be considered the home of each one of us where he may have his habitation and account-books, and where he may have made an establishment of his business.

Constraint. Act of constraining, i.e. state of being restrained or restricted.

Construct. To build; erect; put together; make ready for use. To adjust and join materials, or parts of, so as to form a permanent whole. To put together constituent parts of something in their proper place and order. "Construct" is distinguishable from "maintain," which means to keep up, to keep from change, to preserve. See also Construction.

Constructio legis non facit injuriam /kɒnstráks(iy)ow líjəs nɒn féysət injúriyəm/. The construction of the law (a construction made by the law) works no injury. The law will make such a construction of an instrument as not to injure a party.

Construction. Interpretation of statute, regulation, court decision or other legal authority. The process, or the art, of determining the sense, real meaning, or proper explanation of obscure, complex or ambiguous terms or provisions in a statute, written instrument, or oral agreement, or the application of such subject to the case in question, by reasoning in the light derived from extraneous connected circumstances or laws or writings bearing upon the same or a connected matter, or by seeking and applying the probable aim and purpose of the provision. Drawing conclusions respecting subjects that lie beyond the direct expression of the term.

The process of bringing together and correlating a number of independent entities, so as to form a definite entity.

The creation of something new, as distinguished from the repair or improvement of something already existing. The act of fitting an object for use or occupation in the usual way, and for some distinct purpose. See Construct.

See also Broad interpretation; Comparative interpretation; Contemporaneous construction; Construe; Four corners rule; Interpretation; Last antecedent rule; Literal construction or interpretation; Statutory construction; Strict construction.

Equitable construction. A construction of a law, rule, or remedy which has regard more to the equities of the particular transaction or state of affairs involved than to the strict application of the rule or remedy; that is, a

liberal and extensive (al and restrictive. See *tion, below*.

Strict and liberal construction is construction according to its letter, not expressed, takes its technical meaning, ar tions or implications.

Liberal (or equitable) expands the meaning are clearly within the within the evil which ed such an interpreta language used. It r favor of the applicabi case. It means, not th of their natural mean receive a fair and reas to the objects and purj **Equitable construction**

Construction contract and specifications for the contract itself and formance and payment tors and party for wh

Construction lien. A attaches to real estate to improved the property other services or the supplies. Another nar (q.v.).

Construction loan. See

Construction of will. provisions of will and t there is conflict as t deceased. Such funct Probate Court.

Constructive. That w the law in its act of c stances, or instruments ter assigned to it in i quires such character which it is regarded b, inferred, implied, or n the word "legal" being "constructive."

As to *constructive Ba* version; Delivery; Esca Treason, see those title

Constructive adverse session which, under by payment of taxes guished from actual adverse claimant is in

Constructive assent. party from a construct duct; as distinguished presses.

nal liability and which is "offered to exculpate the accused" is not admissible "unless corroborating circumstances clearly indicate the trustworthiness of the statement."

Such declarations are evidence of the fact declared, and are therefore distinct from admissions, which amount to a waiver of proof. They are statements which, when made, conflict with the pecuniary or proprietary interest of the person making them, or so far tend to subject him to civil or criminal liability, or to render invalid a claim by him against another, that a reasonable man in his position would not have made the statement unless he believed it to be true.

Declaration in chief. A declaration for the principal cause of action.

Declaration of dividend. The act of a corporation in setting aside a portion of its net or surplus income for distribution among the stockholders according to their respective stock ownership. *First Nat. Bank & Trust Co. v. Glenn*, D.C.Ky., 36 F.Supp. 552, 554. See also Dividend.

Declaration of homestead. Statement required to be filed with proper state or local official or agency showing property ownership for purposes of securing homestead exemption rights. It is merely an act of the owner whereby he avails himself of, and secures, a right or privilege given him by statute; it is neither a conveyance nor a contract, and there is no transfer of, or change in, title, nor any agreement of transfer or change. *U. S. Fidelity & Guaranty Co. v. Alloway*, 173 Wash. 404, 23 P.2d 408. See also Homestead.

Declaration of Independence. A formal declaration or announcement, promulgated July 4, 1776, by the Congress of the United States of America, in the name and behalf of the people of the colonies, asserting and proclaiming their independence of the British crown, vindicating their pretensions to political autonomy, and announcing themselves to the world as a free and independent nation.

Declaration of intention. A declaration made by an alien, as a preliminary to naturalization, before a court of record, to the effect that it is his intention in good faith to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whereof at the time he may be a citizen or subject. 8 U.S.C.A. § 1445.

Declaration of legitimacy. Formal pronouncement that a person is a legitimate child.

Declaration of pain. Exception to hearsay rule which permits testimony of out of court statement consisting of declarant's exclamation of present pain. Fed.Evid.R. 803(3).

Declaration of right. See Bill of Rights.

Declaration of state of mind. Exception to hearsay rule which permits testimony of out of court statement con-

cerning person's state of mind, e.g. "I am sad". Fed. Evid.R. 803(3).

Declaration of trust. The act by which the person who holds the legal title to property or an estate acknowledges and declares that he holds the same in trust to the use of another person or for certain specified purposes. The name is also used to designate the deed or other writing embodying such a declaration.

Declaration of war. A public and formal proclamation by a nation, through its executive or legislative department, that a state of war exists between itself and another nation, and forbidding all persons to aid or assist the enemy.

An act of Congress is necessary to the commencement of a foreign war and is in itself a "declaration" and fixes the date of the war. *Rosenau v. Idaho Mut. Ben. Ass'n*, 65 Idaho 408, 145 P.2d 227, 230. See Art. I, Sec. 8, cl. 11, U.S. Const.

Dying declarations. Statements made by a person who believes he is about to die in reference to the manner in which he received the injuries of which he is dying, or other immediate cause of his death, and in reference to the person who inflicted such injuries or the connection with such injuries of a person who is charged or suspected of having committed them. Such statements are admissible in evidence as an exception to the hearsay rule in a trial for homicide (and occasionally, at least in some jurisdictions, in other cases) where the killing of the declarant is the crime charged to the defendant. *Shepard v. U.S.*, Kan., 290 U.S. 96, 54 S.Ct. 22, 78 L.Ed. 196.

Generally, the admissibility of such declarations is limited to use in prosecutions for homicide; but is admissible on behalf of accused as well as for prosecution.

In a prosecution for homicide or in a civil action or proceeding, a statement made by a declarant while believing that his death was imminent, concerning the cause or circumstances of what he believed to be his impending death is not excluded by the hearsay rule. Fed.Evid.R. 804(b)(2).

Self-serving declaration. One made by a party in his own interest at some time and place out of court; not including testimony which he gives as witness at the trial.

Declaration date. The day on which directors of a corporation declare a dividend as contrasted with date on which the dividend is actually paid. See Ex dividend.

Declaration of estimated tax. A tax payment procedure whereby non-wage earner individuals, and wage earners with other income not subject to withholding, as well as corporations are required to file declarations of estimated tax and make periodic payments of such. This requirement assures current collection of taxes from taxpayers whose incomes are not taxed, or fully taxed, by means of payroll withholdings. I.R.C. §§ 6015, 6154. See Estimated tax.

Declaration of Paris. The name given to an agreement announcing four important rules of international law

effected between 1 Congress of Paris teering is and recovers enemy's goods, except neutral goods, except to confiscation unless binding, must be effective.

Declaration of Taking of private property. 40 U.S.C. 369, 63 S.Ct. main.

Declarator of trust. against a trustee with respect to his own benefit.

Declaratory. Explains what before was uncertain.

Declaratory action.

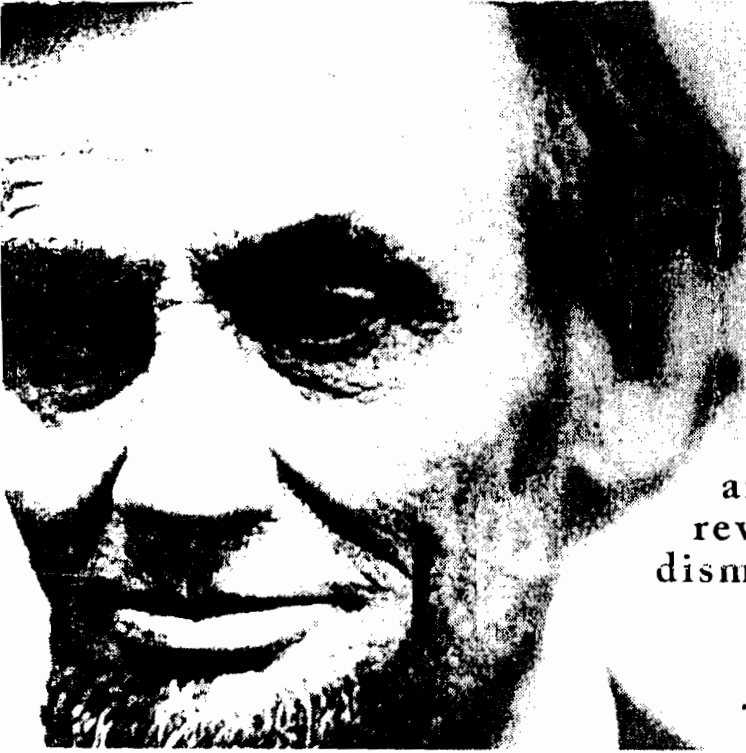
Declaratory judgment (Act). remedy for controversy where there are rights. A binding agreement of litigants even though not. *Brimmer v. T*. Such judgment is between the parties accordance with the any issues actually involved. *Coast Line R. Co. v. 879.*

Declaratory Judgment. 1934, 28 U.S.C.A. § complaint for a declaratory controversy between parties as to present and action. See Fed.R.Ci. of a like or similar nature on The Uniform Declaratory judgment.

Declaratory part of judgment. rights to be observed.

Declaratory relief. relief.

Declaratory statute. removing doubts or questions in regard to a particular matter. In common law, 1 Bl.Co N.J.Eq. 25, 102 A. 244 taken to be the true meaning of statute, though in the more commonly called v. Maddox, Tex.Civ.App. enacted to put an end to common law, or the which declares what is Sandkamp, 227 Minn.



This country,
with its institutions,
belongs to the people
who inhabit it.
Whenever they shall
grow weary of the
existing Government,
they can exercise their
constitutional right of
amending it, or their
revolutionary right to
dismember or overthrow it.

ABRAHAM LINCOLN

Alexander Gardner
Abraham Lincoln,
April 10, 1865

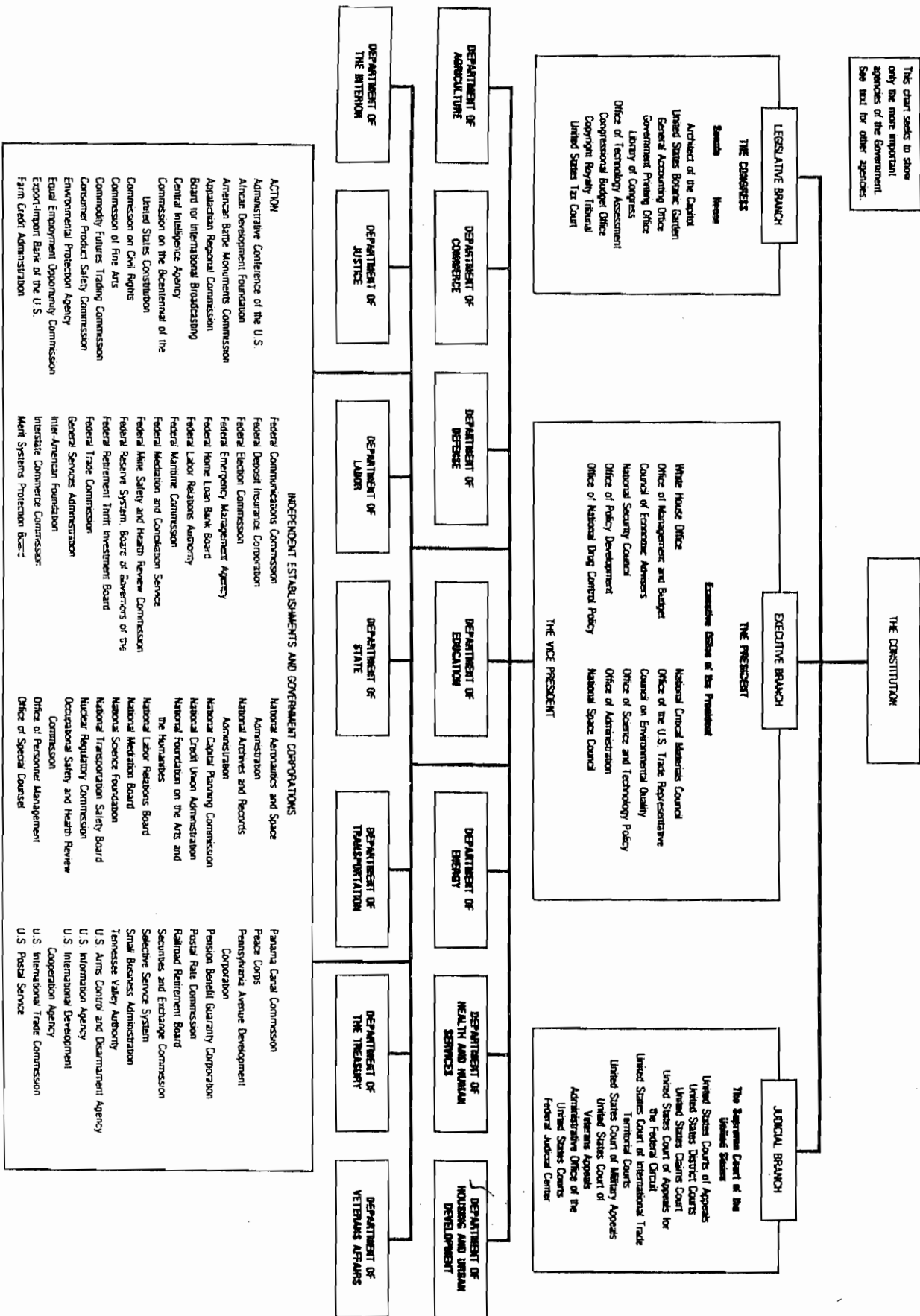
Abraham Lincoln
1809 – 1865

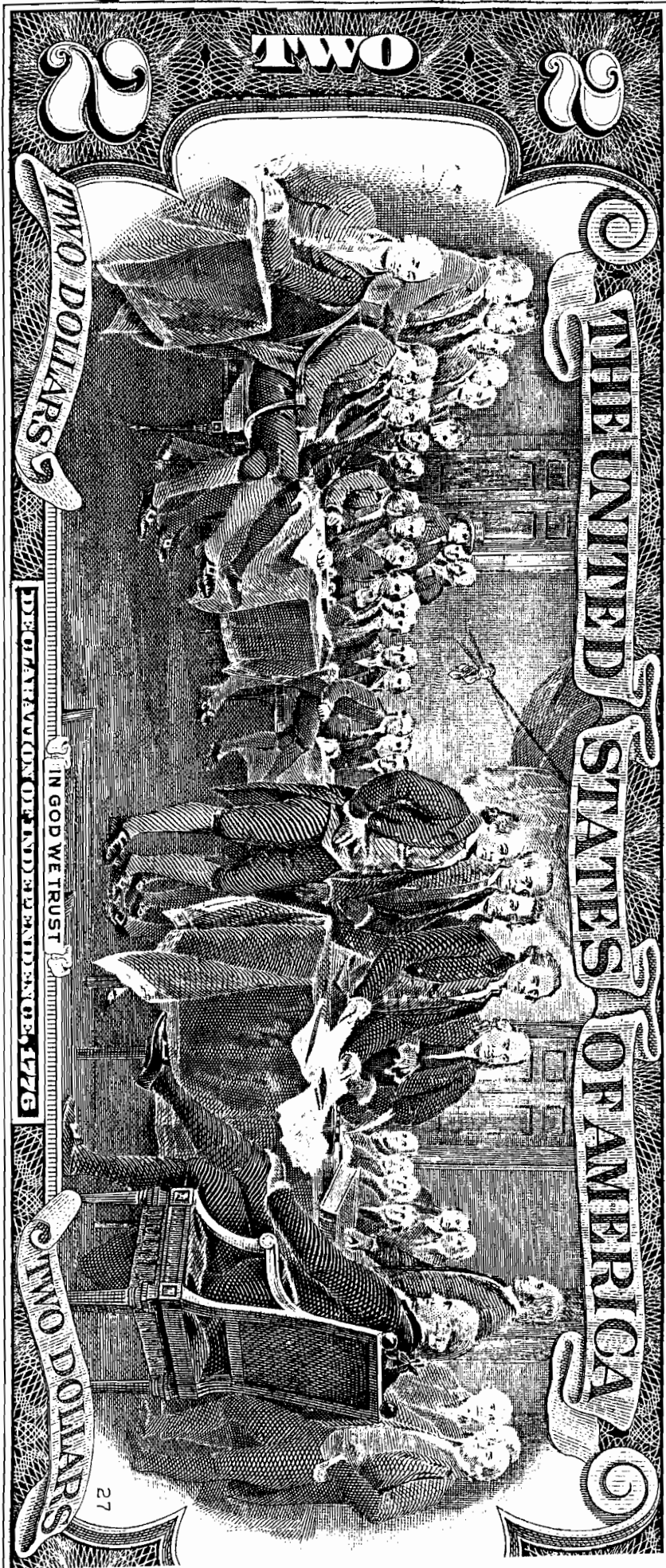


Epiphany™
1.877.248.3702

ORGANIZATIONAL CHART OF UNITED STATES GOVERNMENT

The chart seeks to show only the more important agencies of the Government. See text for other agencies.





Dear Marin Superior Court,

Please make sure the members of the jury, of case sc160215a (SC160215A) get this letter.

1001 Eighth St.
Novato 94945
Paul Barrier,
Plaintiff, *people v. barrier*, Marin County, CA sc160215a

Dear members of the jury,

I've contacted you because I'm asking a federal judge to overturn your finding of guilty on the charge of possession of a short barrel shotgun. My reason is based on the Constitution of the united states, the second amendment. "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Const.Amend. II

My argument is, had you been reminded of this, you may have resorted to your grade school teaching of how the united states government works. I believe that each of you were taught about the Constitution of the united states, and how the country began. And what happened. And how we got to the country we now live in. I believe that had you've been reminded of this, you would have no choice but to find me not guilty because the Constitution is the supreme Law of the Land; and the judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. Article VI [2] u.s.const.

You may respond to me or the court, since I'm asking a federal judge to overturn your verdict.

June 29, 2009

*Respectfully,
Paul Barrier*



Armed America: behind a broadening run on guns

FIREARMS SALES have cycles, but types of buyers and motivations have shifted.

BY PATRIK JONSSON / STAFF WRITER

ATLANTA
What do an elderly Oklahoma homeowner, a Virginia Citizen Militia member, and a Texas airline pilot all have in common these days?

They're all part of America's massive gun-and-ammunition buying spree – a national arming-up effort that began before last year's election of President Obama and continues unabated. Across the United States, it has led to shortages of assault-style weapons, rising prices, and a broadening of gun culture to increasingly include older Americans, women and – gasp – liberals.

The causes are varied – from fears over

crime, both rational and irrational, to the concern that Second Amendment rights will be curtailed by a Democrat-controlled Washington. With the stock market deeply uncertain, some buyers simply think guns are a good investment. The run on guns suggests a shift in public attitudes about gun rights, and it presents a snapshot of a country that has historically turned to powder and balls in times of turmoil.

"There's the sort of stereotype that gun owners were middle-aged Republican white men who were fairly easy to isolate ... in order to regulate them out," says Brent Mattis, a shooting instructor in Florida. "Now that more women are owning guns, more liberals are owning guns, and just average everyday people who

want to keep themselves and their family safe. It's turning into an incredibly strong political phenomenon."

This is most evident on store shelves. Select types of ammunition – ranging from the .308 caliber typical in self-defense guns to the .223 caliber usually associated with assault-style weapons – are nearly impossible to get in many parts of the country. Prices are up by more than half over last year. Assault-style weapons are back-ordered for months. Springfield, Mass., gunmaker Smith & Wesson is one of the few brights lights on Wall Street, its stock price up by 70 percent on the year. A few weeks ago, the gunmaker took orders of over \$9 million in one day.

The FBI is hiring extra processors to deal with a glut of background checks that have increased by 25 percent year to year every month since November – a good indicator of sales. In the wheat-and-cattle corner of Oklahoma patrolled by Sheriff Bill Winchester, concealed-carry permit applications are up by 300 percent, including a request by an elderly man whose hands were so unsteady that he could barely scribble his name.

"There's just so many people that would
Continues on next page

never have knocked on our doors before that are now coming in," says Bob Roddy, a longtime clerk at Chuck's Firearms in Norcross, Ga., outside Atlanta. "There's a level of desperation which I don't ever recall seeing before."

It is not uncommon for gun and ammunition sales to cycle, sometimes dramatically. They spiked after the election of Bill Clinton in 1992, for example. Mr. Clinton had promised more gun control, resulting in the 1994 assault weapons ban (which expired in 2004). Mr. Obama, for his part, hasn't made any overt gun-control gestures. To the contrary, he has expounded on his support for the Second Amendment. Even recent court decisions are in gun owners' favor: The Supreme Court upheld the right of homeowners to keep handguns for self-defense in the so-called Heller decision last year.

Some gun-control advocates are bewildered by the uptick. "We find [it] disconcerting," says Juliet Leftwich, legal director for the Legal Community Against Violence in San Francisco.

Yet gun owners see some worrying signs. One proposed bill in Congress would mandate microstamping on bullet cartridges in an attempt to help law enforcement officials more easily track bullets used in crimes. But it also has the potential to raise prices and outlaw home reloading shops. South of the border, the pitched narco-war battles, partly fueled by US-bought military-style weapons, has brought renewed calls for regulation from gun-control advocates.

The buying trend, however, is far deeper and more prolonged than any knee-jerk reaction to an election or potential legislation, experts say. Though liberals still favor gun control at far higher percentages than conservatives, Americans as a whole are edging in the direction of more gun rights, according to a recent poll by Rasmussen Reports, an independent polling firm in New Jersey.

A major piece of the shift is the perception among many Americans that crime is rising rapidly. Nearly a third of Americans surveyed in the Rasmussen poll say crime has increased in their neighborhoods, and 72 percent say it's very likely that crime will grow in the near-term.

The FBI reported in January that, nationwide, violent crime was down 3.5 percent in 2008, robberies

were down 2.2 percent, and car thefts declined by 12.6 percent. Those statistics contrast with 2006, when robberies, for example, jumped by nearly 10 percent.

The fears are in some cases taking on a Y2K-like fervor, forecasting total social meltdown. In times such as these, Americans have always reached for their guns, says David Kopel, research director for the Independence Institute, a free-market-oriented think tank in Golden, Colo. He digs up a clipping from a Massachusetts newspaper published three months before the "Shot Heard Around the World" that started the Revolutionary War. The article documented a vast gunpowder shortage blamed on "wolves and other beasts of prey" lurking about. Modern fears are fueled by the prospect of an apocalyptic economic failure.

"The logic is simple," says Tom Lee, a member of the Virginia Citizen Militia, which traces its roots to the Revolutionary War. "People are seeing a looming economic collapse that will lead to a prolonged and possibly worsening breakdown of law and order and, eventually, a We-the-People vs. armed-government-enforcers scenario. I'm sure I'm not the only one who sees through the Keynesian



RALLY: Gun owners demonstrated March 11 in Springfield, Ill., in support of a law that would allow them to carry concealed weapons.

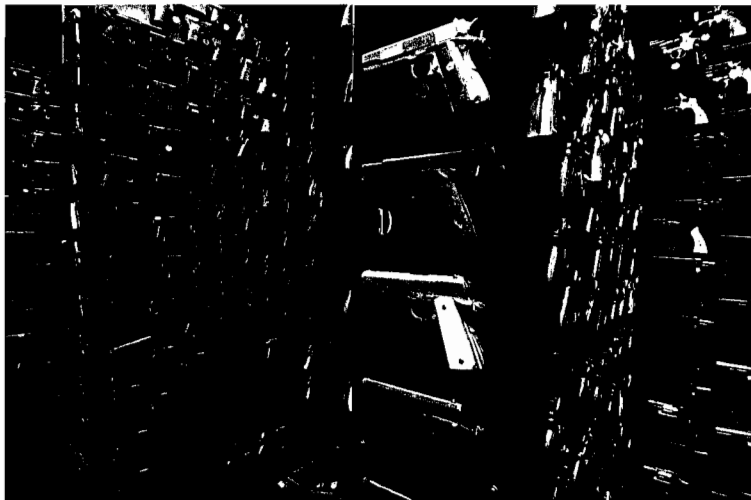
scam and sees the wisdom in preparing for the worst."

In Missouri, state police recently sent out a report on militia activity warning officers to be suspicious of, among other things, cars with Ron Paul bumper stickers. (The state subsequently removed references to politicians and political parties in response to an outcry.)

But while total numbers of guns sold is up in the US, some Americans wonder if the buy-up isn't more tied to business potential than fears of upheaval. Airline pilot Jim Hamilton, a member of the newly formed Liberal Gun Club in Dallas, describes watching a businessman in a red golf shirt and Dockers pants emptying a whole shelf of .45 caliber ammo into a shopping bag at a gun store.

"He had every intention of cleaning off the shelf, and he looked up at me and smiled like a kid with his hand in the cookie jar," says Mr. Hamilton. "I was expecting stockpilers to be kind of the ex-military guy in 'camo' burying it in his backyard for a zombie invasion. Now, I'm inclined to believe that people are not stockpiling for self-defense or civil unrest, but as an investment. Maybe they're not as worried about political issues as turning a profit."

Mr. Winchester, the sheriff in Enid, Okla., has the same thought. "Guns have always been a good investment," he says. "Guns are as good as gold."



JACQUELYN MARTIN/AP/FILE

ENFORCEMENT AID: Handguns line the wall of a firearms-reference collection room at metropolitan police headquarters in Washington, D.C.

NATION

SUPREME COURT *News Analysis*

Justices' gun ownership ruling has had little impact

By Adam Liptak
NEW YORK TIMES

WASHINGTON — About 10 months ago, the Supreme Court breathed new life into the Second Amendment, ruling for the first time that it protects an individual right to

own guns. Since then, lower federal courts have decided more than 80 cases interpreting the decision, District of Columbia vs. Heller, and it is now possible to make a preliminary assessment of its impact. So far, Heller is firing

blanks. The courts have upheld federal laws banning gun ownership by people convicted of felonies and some misdemeanors, by illegal immigrants and by drug addicts. They have upheld laws banning machine guns and saw-

ed-off shotguns. They have upheld laws making it illegal to carry guns near schools or in post offices. And they have upheld laws concerning concealed and unregistered weapons. "The Heller case is a landmark decision that has not

changed very much at all," said Adam Winkler, a law professor at UCLA, who keeps a running tally of decisions based on the case. "To date, the federal courts have not invalidated a single gun control law on the basis of the Second Amendment since

Higher legal fees

Winkler summarized the impact of Heller in an article to be published in the UCLA Law Review in June. "So far," he wrote, "the only real change from Heller is that gun owners have to pay higher legal fees to find out that they have the right."

There is one arguable exception to this trend. Two courts have struck down a provision of the Adam Walsh Child Protection and Safety Act, named after the murdered son of John Walsh, the host of the television show "America's Most Wanted." The act says that people accused of child pornography offenses must be prohibited from possessing guns while they await trial. That provision may well have been unconstitutional as a matter of due process even before Heller, as it seems to impose a punishment before conviction. But two courts have struck down the provision based partly on the fact that a fundamental constitu-

"A year ago, I might well have taken for granted the authority of Congress to require that a person charged with a crime be prohibited from possessing a firearm," Magistrate James Francis IV of the U.S. District Court in Manhattan wrote in December. Heller changed that, he said.

Right to own a gun

"The right to possess a firearm is constitutionally protected," Francis wrote. "There is no basis for categorically depriving persons who are merely accused of certain crimes of the right to legal possession of a firearm." The cases discussed so far all concerned federal laws, and there is no question that the Second Amendment applies to the federal government. The great open question after Heller is whether the Second Amendment also applies to the states or, in the legal jargon, whether the amendment is incorporated

The Supreme Court has said that most but not all of the protections of the Bill of Rights are incorporated by the Fourteenth Amendment, one of the post-Civil War amendments.

The consensus among most legal scholars is that incorporation of the Second Amendment is likely. True, the Supreme Court has said in some past cases that the Second Amendment applies only to the federal government. But a footnote in Heller cast doubt on those decisions. There are cases in the pipeline, notably in the federal appeals courts in Chicago and San Francisco, that could give the court an opportunity to answer the question in its next term.

Even if the court applies the amendment to the states, though, little may change. Most state constitutions already protect an individual right to bear arms, and federal protection, depending on its form, could well be merely duplicative.

But some liberal lawyers and law professors sense an opportunity, and they have urged courts to incorporate the Second Amendment in a novel way, one that might help liberal arguments for protecting rights not specifically mentioned in the Constitution.

Heller. Heller itself struck down parts of the District of Columbia's gun control law, the test in the nation. The case was brought by law-abiding people who wanted to be able to use their guns in their homes for self-defense. The cases that have followed it tend to concern more focused laws and less attractive gun owners.

Harvey Jackson IV, for instance, argued that he has a constitutional right to carry a gun while selling drugs in a dangerous neighborhood in East St. Louis, Ill. The federal appeals court in Chicago was unimpressed. "The Constitution does not give anyone the right to be armed while committing a felony," Chief Judge Frank Easterbrook wrote last month in Jackson's case.

Hearing set over sex offender's civil rights

SAN FRANCISCO — A hearing has been ordered in the case of a twice-convicted child molester from Santa Rosa who claims authorities violated his civil rights by telling neighbors about his past.

U.S. District Judge Thelton Henderson said Russell Markvardson's claim raises "important constitutional concerns" about California's implementation of Megan's Law.

In his order, Henderson said he needed more information to determine whether the complaint met the proper legal test.

MARIN Independent
JOURNAL News Paper
October 12, 1998 / 10/12/98

